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Commission on Freedom of Information and Individual Privacy

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Freedom of Information and Individual Privacy: a Selective Bibliography



FREEDOM OF INFORMATION
AND INDIVIDUAL PRIVACY:
A SELECTIVE BIBLIOGRAPHY

by Laurel Murdoch and
Jane Hillard, with the
assistance of Judith Smith

Research Publication 12

Prepared for the
Commission on Freedom of Information
and Individual Privacy

November, 1979



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FOREWORD

The Commission on Freedom of Information and Individual Privacy was established by the government of Ontario in March, 1977, to "study and report to the Attorney General of Ontario on ways and means to improve the public information policies and relevant legislation and procedures of the government of Ontario, and to examine:

1. Public information practices of other jurisdictions in order to consider possible changes which are compatible with the parliamentary traditions of the government of Ontario and complementary to the mechanisms that presently exist for the protection of the rights of individuals;
2. The individual's right of access and appeal in relation to the use of government information;
3. The categories of government information which should be treated as confidential in order to protect the public interest;
4. The effectiveness of present procedures for the dissemination of government information to the public;
5. The protection of individual privacy and the right of recourse in regard to the use of government records."

To the best of our knowledge it is the only Commission of its kind whose mandate embraces both freedom of information and individual privacy. The views of the public were embodied in the briefs submitted and in the series of hearings held in ten communities, and covering both Northern and Southern Ontario. In response to public demand, three sets of hearings, widely separated in time, were held in Toronto.

The views of the scholars and experts in the field are to be found in the present series of research reports of which this bibliography is number 12. Together with the briefs submitted, these constitute the backbone of our findings: the stuff out of which our Report will be made. Many of these stand in their own right as documents of importance to this field of study; hence our decision to publish them immediately.

It is our confident expectation that they will be received by the interested public with the same interest and enthusiasm they generated in us. Many tackle problem areas never before explored in the context of freedom of information and individual privacy in Canada. Many turn up facts, acts, policies and procedures hitherto unknown to the general public.

In short, we feel that the Commission has done itself and the province a good turn by having these matters looked into and that we therefore have an obligation in the name of freedom of information to make them available to all who care to read them.

D. C. Williams
Chairman

PREFACE

The first research task undertaken on behalf of the Commission was the preparation of an extensive bibliography. The purpose of the bibliography was to provide a research tool to members of the research staff and Commission consultants, and to avoid duplication in their efforts to survey the existing literature dealing with freedom of information and privacy.

The bibliography was published in a preliminary and limited edition which was made available to the Commission's research personnel and to various other interested groups and institutions, primarily government agencies, law reform bodies and libraries. The enthusiastic response to this preliminary edition confirmed our original intention to produce a final version of the bibliography which would include material unearthed during the research phase of the Commission's work.

Preparation of the preliminary edition of the bibliography was undertaken by Laurel Murdoch and Jane Hillard, with the assistance of Judith Smith, all of whom are professional librarians having previous experience in bibliographic research. The revisions for the present edition of the bibliography were undertaken by Ms. Hillard and Ms. Murdoch.

Grateful acknowledgement should be made of the contributions to this project of Professor Balfour Halevy of Osgoode Hall Law School, York University and of the staff of the Law School's Library. Professor Halevy was instrumental in planning the project in its initial stages and generously made available the facilities of the Library to the authors of this study. Much appreciated assistance was also provided by the staff of the Library at the Department of Justice of the Government of Canada and by Mr. Gerald Baldwin, MP, and his staff in Ottawa.

The Commission has resolved to make available to the public its background research papers in the hope that they might stimulate public discussion. Those who wish to communicate their views in writing to the Commission are invited to write us at the following address:

Registrar
Commission on Freedom of Information
and Individual Privacy
180 Dundas Street West, 22nd Floor
Toronto, Ontario M5G 1Z8

Particulars of other research papers which have been published to date by the Commission are to be found on pages 229-230.

John D. McCamus
Director of Research

INTRODUCTION

This selective bibliography represents a collection of English and French language materials on freedom of information and privacy. Arranged under broad subject categories are books, periodicals and some non-print materials. Although international in scope, emphasis has been placed upon Commonwealth countries and, in particular, Canada. Thus, the relative scarcity of Canadian materials may be attributed to the lack of Canadian publishing in this subject area rather than to any inability to locate relevant items. In contrast to the intensive coverage given to Canadian works, American materials cited represent only a sample of that country's publications on the subject.

The bibliography consists for the most part of scholarly materials. In addition to the obvious legal perspective, works which approach freedom of information and privacy from the viewpoint of the political scientist and sociologist are included.

In selecting materials for inclusion in the bibliography, all the standard bibliographic tools including the national bibliographies of Canada, Australia, Great Britain, New Zealand and the United States were consulted.

The subject headings were derived from the Library of Congress List of Subject Headings. An initial working list of thirty-one headings was gradually consolidated in the course of the search and those which either overlapped or failed to conform to the stated terms of reference of the Commission were eliminated. Items listed in the bibliography under headings other than "Freedom of Information" and "Privacy" were included only if they also contained some discussion of those subjects. For example, under the heading "Government and the Press" will be found works which discuss this relationship in light of privacy and freedom of information considerations. Items which discuss several aspects of privacy or freedom of information may appear under more than one subject heading. For access other than by subject, title and author indexes have been provided.

In order to verify the relevance of items, an attempt was made to examine those which were located in Toronto. Items which were not available for examination were included if subject matter and jurisdiction could be ascertained from the title and other bibliographic information.

No fixed cutoff point was established for the retrospective search. The time period was, of course, closely dependent upon the coverage provided by each bibliographic tool consulted. However, with the exception of some American legal periodical literature, few items written prior to the mid 1940's were retrieved in the course of the search.

Within the broad alphabetical subject arrangement, all items are arranged according to format — i.e., books, periodicals, bibliographies. These format categories are, in turn, subdivided by jurisdiction.

The form of citation of the entries is based upon the fourth edition of Turabian's A Manual of Style. Periodical citations do not appear in the standard abbreviated legal manner, as the inclusion of non-legal periodicals raised problems of consistency. Therefore, all periodical titles have been written in full, both to ensure conformity and to permit the user to determine periodical titles without reference to a separate key to abbreviations.

A preliminary edition of the bibliography, up to date as of October 1977, was distributed on a limited basis in 1978, primarily to facilitate the research of the Commission. The present edition has been considerably expanded, and is up to date as of September 1978.

Jane Hillard
Laurel Murdoch
Toronto, Ontario
July, 1979

TABLE OF CONTENTS

I COMPUTERS AND PRIVACY

| | |
|-------------------------|----|
| Books | |
| General and Comparative | 1 |
| Canada | 3 |
| Australia | 5 |
| Belgium | 5 |
| France | 5 |
| Germany | 5 |
| Great Britain | 5 |
| New Zealand | 6 |
| Sweden | 6 |
| Switzerland | 7 |
| United States | 7 |
| Periodicals | |
| General and Comparative | 12 |
| Canada | 14 |
| Australia | 15 |
| Belgium | 15 |
| France | 15 |
| Germany | 15 |
| Great Britain | 15 |
| New Zealand | 16 |
| Sweden | 16 |
| United States | 16 |
| Bibliographies | 22 |

II EAVESDROPPING

| | |
|-------------------------|----|
| Books | |
| General and Comparative | 23 |
| Canada | 23 |
| Great Britain | 24 |
| United States | 24 |
| Periodicals | |
| General and Comparative | 28 |
| Canada | 28 |
| Australia | 29 |
| France | 29 |
| Great Britain | 29 |
| South Africa | 29 |
| United States | 30 |
| Bibliographies | 35 |

III FREEDOM OF INFORMATION

| | |
|-------------------------|----|
| Books | |
| General and Comparative | 36 |
| Canada | 37 |
| Australia | 40 |
| France | 41 |
| Germany | 41 |
| Great Britain | 41 |
| Netherlands | 42 |
| New Zealand | 42 |
| Sweden | 42 |
| United States | 42 |
| Periodicals | |
| General and Comparative | 48 |
| Canada | 49 |
| Australia | 51 |
| Belgium | 51 |
| China | 51 |
| France | 51 |
| Germany | 52 |
| Great Britain | 52 |
| New Zealand | 52 |
| United States | 52 |
| Bibliographies | 64 |

IV GOVERNMENT AND THE MEDIA

| | |
|-------------------------|----|
| Books | |
| General and Comparative | 65 |
| Canada | 65 |
| Australia | 65 |
| France | 65 |
| Great Britain | 66 |
| United States | 66 |
| Periodicals | |
| General and Comparative | 69 |
| Canada | 69 |
| Great Britain | 69 |
| New Zealand | 69 |
| United States | 69 |
| Bibliographies | 71 |

GOVERNMENT INFORMATION

Books

| | |
|-------------------------|----|
| General and Comparative | 72 |
| Canada | 72 |
| Australia | 75 |
| France | 75 |
| Great Britain | 76 |
| New Zealand | 76 |
| Sweden | 76 |
| United States | 77 |

Periodicals

| | |
|-------------------------|----|
| General and Comparative | 79 |
| Canada | 79 |
| Denmark | 80 |
| Great Britain | 80 |
| New Zealand | 81 |
| Sweden | 81 |
| United States | 81 |

Bibliographies

84

GOVERNMENT PUBLISHING

Books

| | |
|---------------|----|
| Canada | 85 |
| Australia | 85 |
| Great Britain | 85 |
| United States | 85 |

Periodicals

| | |
|---------------|----|
| Canada | 86 |
| United States | 86 |

GOVERNMENT SECRECY

Books

| | |
|-------------------------|----|
| General and Comparative | 87 |
| Canada | 87 |
| Australia | 88 |
| France | 88 |
| Great Britain | 88 |
| New Zealand | 88 |
| United States | 88 |

| | | |
|------|----------------------------|-----|
| | Periodicals | |
| | General and Comparative | 90 |
| | Canada | 90 |
| | Australia | 91 |
| | France | 91 |
| | Great Britain | 91 |
| | New Zealand | 92 |
| | United States | 93 |
| | Bibliographies | 96 |
| VIII | MINISTERIAL RESPONSIBILITY | |
| | Books | |
| | Canada | 97 |
| | Australia | 97 |
| | Periodicals | |
| | General and Comparative | 98 |
| | Canada | 98 |
| | Great Britain | 98 |
| IX | OPEN MEETINGS | |
| | Books | |
| | United States | 99 |
| | Periodicals | |
| | General and Comparative | 100 |
| | United States | 100 |
| X | PRIVACY | |
| | Books | |
| | General and Comparative | 102 |
| | Canada | 104 |
| | Australia | 106 |
| | France | 107 |
| | Great Britain | 107 |
| | United States | 108 |
| | Periodicals | |
| | General and Comparative | 117 |
| | Canada | 121 |
| | Australia | 123 |
| | France | 124 |
| | Germany | 124 |
| | Great Britain | 124 |
| | New Zealand | 125 |

| | |
|--|---------|
| Norway | 125 |
| South Africa | 125 |
| Sweden | 125 |
| United States | 125 |
| Bibliographies | 146 |
| XI PRIVILEGES AND IMMUNITIES | |
| Books | |
| General and Comparative | 147 |
| Canada | 147 |
| Great Britain | 147 |
| United States | 147 |
| Periodicals | 149 |
| General and Comparative | 149 |
| Canada | 149 |
| Australia | 150 |
| France | 150 |
| Great Britain | 150 |
| New Zealand | 151 |
| Switzerland | 151 |
| United States | 151 |
| Bibliographies | 156 |
| XII SECURITY CLASSIFICATION | |
| Books | |
| Canada | 157 |
| Great Britain | 157 |
| United States | 157 |
| Periodicals | 159 |
| Canada | 159 |
| Great Britain | 159 |
| New Zealand | 159 |
| United States | 159 |
| AUTHOR INDEX | 161 |
| TITLE INDEX | 179 |

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PRIVILEGES AND IMMUNITIES

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AUTHOR INDEX

Abel, Albert S. 1172
Abel, C.M. 689
Abrahams, S. 1635
Abzug, Bella S. 690, 1636
Adam, G. Stewart 878
Adams, Richard H., Jr. 1638
Adams, Wilsie H., Jr. 694
Advisory Committee on Problems of Census Enumeration 87
Aitken, Jonathan 2095
Alberta. Legislative Assembly. Special Committee on Invasion of Privacy 1316
Alberta. Office of Program Co-ordination 1122
Alberta. Public Affairs Bureau 957
Alexander, David T. 697
Alford, Robert R. 226, 1640
Allen, Carla Whitaker 1076
Allen, Douglas 2005
Alschuler, Albert W. 1641
Altman, Irwin 1491
American Bar Association. Advisory Committee on the Police Function 328
American Bar Association. Standing Committee on Law and Technology 88
American Civil Liberties Union 329
American Historical Association 2097
American National Standards Institute 89
American Psychological Association. Ad Hoc Committee on Ethical Standards in Psychological Research 1382
American Statistical Association 1642
Anastaplo, George 1492
Anderson, David A. 1383
Anderson, Desmond L. 896, 1016
Anderson, R.E. 300
Anderson, Ronald E. 227, 933, 1644
Anderson, Stanley V. 617, 698, 1039, 1070
Anderson, Wayne 1645
Andrews, W.H. 1646
Anrys, H. 201
Archer, John 1493
Archibald, S.J. 699, 1077
Armer, P. 395
Arnold, Joanne E. 1384
Arnold, Marc 700
Aronoff, Stanley J. 1647
Arthur, Terry 1064
Asbill, M., Jr. 701, 1648
Ashley, Paul Pritchard 1385
Askin, Frank 1494, 1793
Association for Computing Machinery. Los Angeles Chapter. Ombudsman Committee on Privacy 91
Association of Computer Programmers and Analysts 228
Association of the Bar of the City of New York. Committee on Federal Legislation 92
Association of the Bar of the City of New York. Special Committee on Wiretapping and Eavesdropping Legislation 330
Astin, Alexander W. 1649
Atherton, J. 958
Atrens, Jerome 1572-73
Auburn, F.M. 147, 218-23, 688
Auby, Jean-Marie 470, 868
Auckland District Law Society. Public Issues Committee 554, 1154
Augustine, Paul 396
Australia. Committee of Enquiry into the Protection of Privacy 1346
Australia. Interdepartmental Committee on Proposed Freedom of Information Legislation 537-38
Australia. Law Reform Commission 1347-50
Australia. Royal Commission on Australian Government Administration 539, 998, 1253
Australia. Victoria State Library 869
Australian Computer Society 58
Australian Newspapers Council 886, 1351
Australian Press Council 1352
Axworthy, Lloyd 959
Badders, D.L. 1650
Baden, Anne L. 949
Badinter, Robert 389
Baker, Donald I. 702
Baker, Michael A. 145, 1495

Baker, R.J.S. 1190
Baldwin, Gerald 497, 648-49
Bales, Waldo F. 1267
Bancroft, F.A. 1651
Baragwanath, David 555
Barefoot, J. Kirk 1386
Barendt, E.M. 1191
Barker, Carol M. 2098
Barna, B. 229, 703
Barnds, William J. 1155
Barnes, Ruth Mayes 1268
Barrelet, Denis 471
Barron, Jerome A. 559
Barry, John V. 367
Barton, Ansley B. 704, 2023
Bartos, M. 618
Baskin, Maurice 1269
Baudot, J.M. 32
Baum, Daniel J. 1317
Bazelon, David L. 1653
Beaney, William M. 1654-55
Beaser, Lawrence J. 230
Becker, Robert S. 1
Beckman, M. Dale 1047
Bedell, Robert P. 1656
Beetle, David H. 705
Behavioral and Social Sciences
 Survey Committee 1387
Belair, Robert B. 706-7, 1657-58
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 61
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Bennett, Charles P. 1078
Bennett, John Tuson 1353
Bensahel, J.G. 1496
Berenyi, I. 205-6
Berger, M. 1662
Berger, Raoul 1973, 2024-25
Berkeley, Edmund C. 93
Berman, Kenneth R. 2026
Berner, Richard Olin 708
Berscheid, Ellen 1497
Bigelow, Robert P. 88, 94
Bindes, C. 619
Binetti, Robert F. 301
Birtles, William 2114
Bisco, Ralph L. 95
Bishop, Joseph W., Jr. 2027
Black, Edwin R. 927
Black, John Bennet 1003
Blake, F.M. 709
Blanchard, Robert O. 710
Bloch, Pierre 887
Block, Steven M. 934, 2028
Bloom, Jay M. 1663
Bloustein, Edward J. 1664-66
Boehm, Barry W. 118
Bolt, Beranek and Newman, Inc. 1283
Boon, c. 31
Borko, Harold 119
Borodin, A. 104
Borovoy, A.A. 377, 1574
Boruch, Robert F. 1649, 1667-71
Boston. Public Library 870
Bostwick, Gary L. 1672
Boucher, Jacques 33
Boukema, P.J. 553
Bourke, Vernon J. 711
Bowe, W.J. 1673
Brace, Paul 148
Bradley, Edwin J. 397
Braibant, Guy 149, 231, 1188
Braithwaite, T.B. 1674
Brandeis, Louis D. 1567
Brandenburg, Robert C. 712
Branson, Cecil 382
Brant, Irving 560
Brashear, Bruce 1675
Breckenridge, Adam Carlyle 1388,
 1974
Brenton, Myron 1284
Bret, P.L. 1147
Brewster, J.W. 1079
Brierton, Robert C. 232
Brière, Jean Marie 1119
Brim, Orville G., Jr. 1547
Bristol, James T. 233
British Columbia. Commission of
 Inquiry into Invasion of Privacy
 316
British Columbia Civil Liberties
 Association 1318
British Computer Society 64
British Computer Society. Privacy
 and Public Welfare Committee 65
British Computer Society. Privacy
 Committee 66

Brittan, Leon 1498
Bromhead, Peter 930
Brown, David P. 960
Brown, Gary Elson 713
Brown, P. 398
Brown, Peter G. 1975
Brown, Robert Michael 311
Brown, William L. 714, 2120
Brownell, Herbert, Jr. 399
Brucker, Herbert 897
Brun, Henri 1990
Brussard, B.K. 150
Buchen, P.W. 1217
Buchwald, Don D. 400
Buckland, J.A. 2121
Bunyan, G.J. 31
Bureau d'informatique et de recherche opérationnelle 961
Bureau of Municipal Research, Toronto, Ont. 880
Burke, Carolyn 715, 1677
Burnand, Yves 86
Burns, Peter 378, 1499, 1575
Bushkin, Arthur A. 1017
Bushnell, S.I. 1991
Butler, David 1254
Byström, Tryggve 951
Cabot, S.J. 716
Caine, Burton 234
Califano, Joseph A., Jr. 918
California. Intergovernmental Board on Electric Data Processing 96
California. Legislature. Assembly. Committee on Efficiency and Cost Control 97-98
California. Legislature. Assembly. Committee on Statewide Information Policy 1018
California. Legislature. Assembly. Interim Committee on Government Organization 1019, 1259
Callahan, Janet Pascoe 2029
Campagne, H. 151
Campbell, Enid 540, 620, 999
Canada. Bureau du Conseil privé 1123
Canada. Council of Maritime Premiers 962
Canada. Dept. of Communications 34
Canada. Dept. of Justice 317
Canada. Dept. of the Secretary of State 498, 963
Canada. Dept. of the Solicitor General 1319, 2092
Canada. Groupe d'étude sur l'ordonnateur et la vie privée 35
Canada. Groupe de travail sur l'information gouvernementale 964
Canada. Interdepartmental Committee on Privacy and Computers Task Force Report 36
Canada. Parliament. Library. Information and Reference Branch 466, 871
Canada. Parliament. Senate. Special Committee on the Mass Media 881
Canada. Royal Commission on Security 2093
Canada. Task Force on Government Information 965
Canada. Task Force on Privacy and Computers 37
Canada. Treasury Board 966, 1124, 1320
Canada. Treasury Board Secretariat. Information Bank Coordination Division. Administrative Policy Branch 1321
Canadian Association for the Prevention of Crime 499, 967
Canadian Association of Radio and Television Broadcasters 500
Canadian Association of University Teachers 501
Canadian Bar Association. British Columbia Branch. Select Committee on Freedom of Information 502, 1251
Canadian Bar Association. Civil Liberties Section. Committee to Survey Invasion of the Rights of Privacy by Technological or Electronic Devices 1322
Canadian Bar Association. Special Committee on Freedom of Information 503
Canadian Civil Liberties Association 318
Canadian Facts Limited 968
Canadian Institute of Chartered Accountants. Study Group on Computer Control and Audit Guidelines 38

Canadian Library Association 969,
1048-49

Canadian Mental Health Association.
Task Force 1323

Canham, Erwin D. 621

Cantor, Norman F. 1285

Cappelletti, Mauro 2007

Carlson, R.O. 1680

Carr, James G. 331

Carrington, Frank 1389

Carroll, J.D. 1681

Carroll, John M. 99, 332, 1390,
1682

Carrow, Milton M. 2030

Carter, B.P.C. 1040, 1266

Carter, Joseph 561

Carter-Ruck, Peter 1372

Cater, Douglass 898

Cates, John O. 2031

Cederbaum, Juris 312, 401

Chafee, Zechariah, Jr. 622, 899

Chaiker, Alan L. 1504

Chalfont, Lord 1192

Chalmers, Norman A. 1576

Chaplin, Philip 2094

Chapman, John W. 1420

Chaput-Rolland, Solange 882

Chartrand, Robert L. 2

Chavanne, A. 1613

Chei, A.L.C. 623, 1684

Cheng, Kenneth 192, 970

Chief Justice Earl Warren Conference
on Advocacy in the United States,
Cambridge, Mass., 1974 100, 333

Chiles, Lawton M., Jr. 1270, 1686

Chorney, N.M. 379

Christie, George C. 402, 624,
1688

Christoph, James B. 1193

Citizens Conference on State Legis-
latures 1120

Clark, David G. 560

Clark, Elias 718

Clark, Fife 1004

Clarke, C.F.O. 1286

Clement, Daniel Gorham 719

Clift, Dominique 651

Clurman, H. 1689

Cohen, Alexander 849

Cohen, Bernard Cecil 900

Cohen, Richard E. 720, 1080,
1690-92

Cohen, Wilbur J. 1081

Committee of One Hundred, London.
Hampstead Group 323

Communauté urbaine de Montréal,
Québec. Service de police 1325

Conférence des Nations Unies sur la
liberté de l'information, Genève,
1948. Délégation du Canada 505

Conference on Computers: Privacy
and Freedom of Information, Kings-
ton, 1970 39-43, 506-10, 1327

Conference on Government Secrecy,
New York, 1973 1391, 2099

Connolly, W.B. 721

Conseil du patronat du Québec 971

Cook, G. 723

Cook, James B. 562

Cooper, Hayman C. 1919

Cooper, Kent 901

Coote, Brian 2019

Corbett, James 153

Cormack, Magnus 2000

Cortès, Irene R. 1287

Cosby, H. Douglas 238

Cotteret, Jean Marie 952

Council of Europe. Colloquy on
Freedom of Information and the Duty
for the Public Authorities to Make
Available Information, Strasbourg,
21-23 September 1976 472

Council of Europe. Committee of
Experts on the Protection of
Privacy 3

Council of Social Science Data
Archives 1392

Countryman, Vern 154, 239, 1698

Courtney, Jeremiah 404

Cowan, Paul 335, 2100

Cowen, Zelman 1288

Cox, Arthur M. 1156

Cragan, John F. 1393

Craig, D.M. 302

Craig, E.P. 380

Craig, Roger E. 2032

Cranston, Maurice William 1363,
1500-1502

Craver, C.B. 405

Creech, William A. 1699

Crispo, John H.G. 473

Crooks, J.M. 240

Cross, Harold L. 563
Cullen, M. 241
Curran, W.J. 1700
Curtis, Charles P. 406
Curtis, Lindsay J. 541-42
Dalfen, C. 4
Dash, Samuel 336, 407-8, 412
Data Processing Management Association 67, 101
Dauses, Manfred A. 625
David, H.M. 243
Davidson, James H. 1702
Davis, Elmer 2122
Davis, Frederick 1703
Davis, Gary L. 409
Davis, Kenneth C. 724
Davis, R.M. 156, 244
Dawson, W.F. 1992
DeBalogh, Frank G. 245
Debbasch, C. 545
Decker, John F. 410
deGraaf, Frits 1503
Delewry, Edith 1577
Delisle, R.J. 1578
Demers, Robert 1577
Demitriades, P.B. 246
Derlega, Valerian J. 1504
Dershowitz, Alan 411
Desmond, Charles S. 725
deSola Pool, I. 935
Deudney, S.J. 193
Devirieux, Claude Jean 511
Dexter, A.S. 195
Dial, O. Eugene 102
Diamond, Alan 2123
Diamond, S.A. 1704
Dickinson, William B., Jr. 1218
Dickler, . 1705
Dietsch, R.W. 1706
Dilworth, Richardson 412
Dion, Leon 512
Dionisopoulos, P. Allan 1289
Divorski, S.W. 1082
Dixon, Robert G., Jr. 1394, 1707, 2035
Donnelly, Richard C. 413-14
Dougherty, R.M. 626
Douglas, William 247, 1395
Drachsler, David A. 730
Drewry, Gavin 1194
Ducat, Craig R. 1289
Ducos-Ader, Robert 470, 868
Dudis, John B., Jr. 415
Duncan, J.W. 1708
Dunn, Delmer D. 902, 936
DuVal, B.S., Jr. 1709
Dworkin, Gerald 1364, 1505
Dykstra, Daniel J. 1710
Eastman, Hope B. 1711
Edelstein, Jeffrey S. 731, 1271
Edwards, Beverley 513, 972
Eek, Hilding 474-75
Ehrmann, Henry W. 2036
Elder, Neil C.M. 558
Elias, Stephen R. 732
Ellis, Leonard 68
Ellsworth, Larry P. 733
Elson, Sam 1713
Engberg, Edward 1396, 1714
Engel, G. Larry 734, 1219
Engman, Lewis A. 735
Erb, Richard E. 1020
Ernst, Morris Leopold 564, 903, 1291
Errara, Roger 1614
Erskine, H.G. 1083
Ervin, Sam J., Jr. 248-50, 937, 1715-16, 2037
Evans, P. 1717
Evans, R. 1718
Ewing, D.W. 1719
Ezer, Mitchel J. 1720
Fabian, R.H. 1721
Fabre, J.H. 1506
Fagerlund, E. 300
Fague, Anthony C. 1722
Fairweather, Gordon 1050
Farhi, Carol 157
Farquhar, K.B. 1328
Federal Republic of Germany. Hesse State Parliament 63
Fédération professionnelle des journalistes du Québec 514, 883
Feeley, James 515
Feis, Herbert 1220
Fellegi, I.P. 1723
Felton, Lawrence 233
Ferguson, George Victor 884
Fiedler, H. 203
Field, M.A. 2045
Field, Thomas F. 737, 1724
Fields, Cheryl M. 1725
Fields, Richard S. 1726
Finn, Ed 652, 1051, 1173

Finn, G. 1041
Finsterbusch, K. 2064
Fischer, L.M. 830
Fisher, D. 653-54
Fishman, Clifford S. 423
Fishman, Phillip F. 1728
Fitzpatrick, D. 1087
Flaherty, David H. 516, 973, 1052,
1329
Florida. Attorney General 565,
1260
Florsheim, B.L. 739
Folliet, Joseph 546
Fonarow, Charles L. 1729
Foot, M.R.D. 1164
Forst, Martin 251
Fougere, Louis 1189
Fox, J.C. 721
Fox, Matthew H. 2098
France. Commission de coordination
de la documentation administrative
1001-2
France. Commission informatique et
libertée 1361
Franck, Thomas M. 953, 1133
Frankel, Max 1221
Franson, Robert T. 517, 1174
Frederickson, H. George 562
Freedom of Information Conference,
9th, University of Missouri, 1966
566
Freese, Jan 84, 1631
Freilich, Robert H. 1272
French, Richard D. 567, 1015
Fried, C. 1731
Friedland, M.L. 974
Friedman, L.M. 744, 1732
Fry, Godfrey K. 1257
Fry, Ron 341, 1407
Fulbright, James W. 1021
Furby, Tommy E. 745
Furutani, Evelyn T. 1733
Gallagher, Cornelius E. 1734-35
Gallouedec-Genuys, Françoise 158, 1362
Galnoor, Itzhak 1134, 1223
Garant, Patrice 1138
Garrison, Omar V. 1397
Gartlan, Michael J. 1736
Gasque, Aubrey 337
Gay, M. Lee, Jr. 1737
Gazarek, Jo Anne 746
Gellhorn, Ernest 1224
Gellhorn, Walter 2101
Gelman, H.S. 44-45
Gerety, Tom 1738
Gerhart, Eugene C. 424
Gerstein, Robert S. 1507
Gianella, Donald A. 747
Gibson, Bryan 658
Gibson, Robert 975
Gibson, Ronald Dale 1330
Gilbert, Marcel 928
Gilchrist, Bruce 103
Gilson, Lawrence 1022
Gimlin, Hoyt 1089
Glachant, C.E. 627
Glasbeck, H.J. 1508
Glass, Anthony 2011
Glenn, H. Patrick 1579-80
Goldberg, Edward M. 102, 159, 1398
Goldberg, Stuart C. 748
Golden, Aubrey E. 381
Golden, C.J., Jr. 2007
Goldschmidt, Maure L. 749, 1739
Goldstein, B. 252
Goldstein, R.C. 160, 195, 1292
Goldsworthy, A.W. 59, 209, 1605-6
Goldwater, B.M., Jr. 161
Goodale, James C. 750-51
Goode, Penny 1607
Goodman, Carl F. 752, 1740
Gordon, Andrew C. 628
Gordon, Donald H. 1741-42
Gorski, James M. 753
Gotherman, John E. 1743
Gotlieb, A.E. 46, 162, 196, 253,
925
Gotlieb, Calvin Carl 47, 104, 1345
Gottschalk, K. 210, 1906
Graebner, Norman A. 1023
Gratton, Carolyn 1960
Gravel, Mike 1227
Gray, M.M. 307
Gt. Brit. All Party Committee for
Freedom of Information 549, 1365
Gt. Brit. Central Office of Infor-
mation 1005-6
Gt. Brit. Civil Service Dept. 69
Gt. Brit. Commission of Industrial
Relations 550
Gt. Brit. Committee of Privy Coun-
sellors Appointed to Inquire into
'D' Notice Matters 888

Gt. Brit. Committee of the Civil Service 1007
Gt. Brit. Committee on Privacy 1366
Gt. Brit. Committee on Security Procedures in the Public Service 2096
Gt. Brit. Committee to Inquire into the Interception of Communications 324
Gt. Brit. Departmental Committee on Section 2 of the Official Secrets Act 1911 1148
Gt. Brit. Exchequer. Committee on the Cost of Home Information Services 1008
Gt. Brit. Home Office 70-71
Gt. Brit. Law Commission 1367
Gt. Brit. Parliament. House of Commons. Committee of Privileges 1970-71
Gt. Brit. Parliament. House of Commons. Library Research Division 1368
Gt. Brit. Parliament. House of Commons. Select Committee on the Official Secrets Acts 1149
Gt. Brit. Prime Minister, 1964-1970 (Wilson) 1009
Gt. Brit. Privy Council. Committee on Cabinet Document Security 1010, 1150
Green, Leon 1747-48
Green, Richard A. 1581
Greenawalt, R. Kent 425-26, 904, 1749
Greenberger, Martin 105
Greenfield, Margaret 1399
Greenman, Frederick Francis 338
Greenwood, Richard Glen 1750
Gregory, Francis M., Jr. 774
Greguras, J.F. 1751
Griffith, John 1195
Griswold, Erwin N. 1131, 1752
Groffier, Ethel 1510
Grønning, Torben G. 255
Grooms, D.W. 303
Gross, Edward 1091
Gross, H.L. 568
Gross, Hyman 1400, 1511
Grossman, M.B. 938
Grover, Wayne C. 1024
Gunderson, Linda M. 1753
Gutteridge, H.C. 1512
Guy, D.S. 1273
Hall, Reginald A. 2012-13
Halperin, Morton H. 427, 754, 1157, 1228
Hamilton, Peter 72
Handler, E. 1754
Handler, Joel F. 410, 1755
Hanis, Edward H. 516, 1329
Hankin, C.D. 1756
Hanlan, Joseph 1369
Hannigan, Michael J. 755
Hansen, Morris H. 256
Hanson, J.M. 1757
Hanus, Jerome J. 1513
Hardy, D.T. 1758
Harper, Mary Bastron 428
Harrington, Michael 1759
Harris, Robert N., Jr. 429
Harrison, Annette 304, 1961
Harrison, E.A. 302
Havemann, Joel 756
Hawker, Geoffrey 677
Hearder-Moan, W. 1053
Hebert, E.S. 1092
Heckscher, A. 1760
Hellman, Jay J. 6, 1293
Henderson, Robert P. 163, 257-58
Hennings, Thomas C., Jr. 430, 1093, 1229, 2047-48
Henry, Nicholas 1094
Hensey, Charles M. 1761
Hentoff, N. 259
Henzi, F. 431
Herbach, E.G. 776
Herlitz, Nils 1071
Herson, R. 1615
Hewitt, Patricia 1370
Hicks, G.L. 1762
Hicks, Granville 1763
Hiebert, Ray Eldon 569, 954
Hill, J. Graham 1095
Hilliker, Judith 656
Hipwell, C. 1620
Hirschorn, Eric L. 1274
Hofferbert, Richard I. 1764
Hoffman, Daniel N. 754, 1157, 1228
Hoffman, Lance J. 7, 151, 260-61
Hofstadter, Samuel H. 1294, 1401, 1765

Hogan, James E. 397
Hoglund, John A. 757, 1766
Holm, Niels Eilschou 1063
Holmgren, Kurt 1072
Holt, Robert G. 758
Hondius, Frederik W. 8
Horn, S. 1054
Horowitz, George 1294
Horton, Frank 629, 1165, 1735
Howell, James Fleet 1768
Hufstedler, Shirley M. 1402
Hughes, S.H.S. 1055
Hulett, Mary 759, 1769
Hume, J.N.P. 47
Hunnings, Neville March 390
Hunt, M. Kathleen 305
Hutchinson, Earl R. 560
Illinois. Governor's Commission on Individual Liberty and Personal Privacy 1403
Illinois. Secure Automated Facility Environment Project 1404
International Business Machines Corporation 106
International Business Machines Corporation. Data Processing Division 107
International Colloquy about the European Convention on Human Rights, 3d, Brussels, 1970 1295
International Commission of Jurists 1515
International Oslo Symposium on Data Banks and Society 9
Ison, Terence G. 976
Italia, Vittorio 1296
Ivester, David Mitchell 761
Jacklin, P. 939
Jackson, David C. 1166
Jackson, T.M. 630
Jacob, Joseph 211-12, 1196, 1516, 2014
Jacob, Robin 1516
Jacobson, R.S. 368
Jacoby, S.B. 2049
James, Robert Rhodes 1197
Janes, Brandon C. 1383
Janisch, H.N. 1175
Jenkins, John A. 1772
Jennings, Mary 763
Jesmore, Kenneth L. 1773
Johansen, David 10, 48, 478-79
Johnson, G.W. 1774
Johnson, H.W. 689
Johnson, Joseph D. 764
Johnson, L. 1775
Johnston, Richard F. 765, 2124
Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association 339
Jones, Glyn 164
Jones, Mervyn 325, 1371
Jordan, Frederick J.E. 49
Jourard, Sidney M. 1517
Justice (Society). Committee on Privacy 1372
Juvigny, P. 1518
Kacedan, Basil W. 1519
Kaczynski, Stephen J. 766
Kahan, Jonathan 757, 1766
Kaiser, Gordon 197
Kaliel, Brian 1582
Kalven, Harry, Jr. 1520, 1776
Kamisar, Yale 369
Kamlah, Ruprecht B. 432
Karst, Kenneth L. 1777
Kaser, D.E. 767
Kass, Benny L. 795
Kattan, J. 2050
Katz, Joan M. 768, 2051
Katz, Kenneth 50
Katzenbach, Nicholas de B. 166, 433
Kaysen, Carl 108, 590
Keefe, Arthur John 769
Keeton, George W. 2015
Keith, K.J. 1069
Kelley, Verne R. 263, 1521
Kelly, J. 264
Kelman, Herbert C. 1522
Kennedy, J.M. 278
Kenny, J.J. 167
Keppel, B. 265
Kerbec, Matthew J. 770, 1026
Kernaghan, Kenneth 1144, 1252, 1256
Kershaw, David N. 266
Kesterton, Wilfred H. 885, 1331
King, Donald B. 434
Kirby, M. 1608
Kirby, M.D. 200
Kirk, Norman Eric 50
Kisseloff, Andrew 700
Kitchen, Paul 659
Klein, Rudolf 1621
Klempner, I.M. 2125
Klopfer, Peter H. 1523

Knight, K.W. 1176
Knox, W.A. 2052
Koch, Charles H., Jr. 771
Koff, G.J. 1778
Konvitz, Milton R. 1524
Kovach, Kenneth A. 772, 1779
Kozicharow, E. 773
Kozmetsky, George 109
Kramer, A.S. 1780
Kramer, Robert 2053
Krause, Harry D. 1618
Krause, Robert S. 774
Krautz, A.H. 1781
Kruger, Gary I. 775
Kuebler, Jeanne 435
Kuersteiner, R.L. 776
Kuhlman, H.H. 176
Kurland, P.B. 1782
Kutner, Luis 777
LaBarrie, John H. 570, 1027
LaBella, Charles G. 436
Labour Party. Study Group on the
Relationships between the People,
the Press and Broadcasting 889
Lacher, H. David 778
Lacy, Dan Mabry 571-72
Ladd, Bruce 905
LaFord, John Q. 437
Lam, C. 1682
Lambie, William K. 1389
Lamoreux, Stephen 1962
Land, T. 168-69
Landauer, Jerry 1230
Landrey, Francis D. 438
Landuyt, Stephen T. 1783
Lapidus, Edith J. 340
Large, A.J. 1784
Larman, Barry 1097, 1785
Larremore, W. 1786
Larsen, Kent S. 1405
Lashner, Marilyn A. 631, 1787
Laslett, Barbara 1566
Lasswell, Harold Dwight 573
Latin, Howard 1963
Laufer, Robert S. 1525
Law Society of Upper Canada. Dept.
of Continuing Education 319-20,
1332
Lawford, Hugh J. 51, 661, 977,
1583
Lazarus, A.J. 779
League of Women Voters of the United
States. Education Fund 1406
Leahy, R.A. 1098
Lederman, Sidney N. 1993
Lee, W.E. 1788
LeFebvre, Jean Paul 978
Lehman, John A. 1619
Leicht, G.J. 1790
Leigh, Lawrence J. 1791
LeMond, Alan 341, 1407
Lengyel, Peter 1526
Lenk, Klaus 11
Leopold, Richard W. 1231
Leovy, T.M., Jr. 1792
Lépine, Normand 662
Lepofsky, M. David 519
Lessin, Helen S. 269
Levere, J. 780
Levin, Hannah A. 1793
Levin, Ronald M. 781
Levine, E.L. 1794
Levine, Jeffrey I. 782, 1232
Levy, P. 2002
Lewin, Nathan 1795
Lewis, A.W.J. 684
Liberman, S.H. 2054
Ligue des droits de l'homme, Montréal,
Québec 1333
Linehan, T. 1527
Linowes, D.F. 1528, 1796
Linstead, Stephen G. 1994
Lipset, Harold K. 439
Lipsett, L. 1797
Lisle, Rufus 1798
Littman, Mark 1372
Liu, Alan P.L. 681
Lloyd, Peter 1151
Lobel, J. 170, 267
Local Authorities Management Services
and Computer Committee. Computer
Panel 73
Local Authorities Management Services
and Computer Committee. Computer
Privacy Working Party 74
Long, Edward Vaughn 342, 370, 1408,
1799-1800
Longhi, Alain 632, 1167
Louiselle, David W. 2055
Loutsch, J.C. 268
Lowi, Theodore J. 1297
Lowry, Ritchie P. 1233
Lundsgaarde, Henry P. 1529

Lundstrom, Mack 582
Lusky, Louis 1801
Lynch, John T. 371
MacCafferty, Maxine 306, 872
McCamy, James Lucian 1129
McCarthy, F. 81
McCarthy, Francis J. 1802
McCartney, James 1234
McCauley, Daniel J., Jr. 1099,
2056
McClellan, Grant S. 1298
McClelland, Lindley R. 1803
McClintock, Michael C. 783, 1275,
1804
McCloskey, H.J. 1530
McCormick, M.J. 1805
McDonald, Donald Cameron 1995
McDonald, J. 1273
McDonald, K. 1056
MacDonald, Kennet J. 1139
MacDougall, Peter 940, 1235, 1276
Mace, . 1806
McGonegle, Timothy J. 784
Machinery and Allied Products
Institute 574
McKay, Glen 698
McKenna, James A. 1807
MacKinnon, G. 663
MacKinnon, Tom 1996
MacKinnory, Kenzie 520
McLaughlin, Joseph P., Jr. 941
McLaughlin, R.A. 1808
McMillan, John 543, 633, 678,
1182, 1255
McNairn, Colin H.H. 1966
MacPherson, H. 391
McWhinney, Edward 1125, 1969
Madden, Thomas J. 269
Maddison, J.C. 1609
Madgwick, Donald 75, 1373-74
Magre, Edward P. 440
Maledon, Marilyn P. 1823
Malik, Rex 12
Malkin, L. 1198
Mallet, Hugh 2057
Malmann, Otto 204
Manitoba. Law Reform Commission
1334
Mann, G.K. 1199
Manning, Morris 321, 382, 1335
Marblestone, David B. 1277
Marcell, D.W. 1809
Marcuse, Herman 2053
Mardian, Robert G. 785
Margolis, Stuart A. 1810, 2058
Margulis, Stephen T. 1531-32
Marks, John 1236
Marks, Leonard H. 634
Marmorek, Kay 765, 2124
Marnell, William H. 575, 906
Marotta, John L. 786, 1811
Marr, David 1183
Marshall, Geoffrey 1585
Martin, Jean-Marie 521
Martin, James 110
Martin, Keith 979
Martin, M.E. 1812
Martin, R. 787
Marwick, Christine M. 576
Maslen, J. 869
Massachusetts. Governor's Commission
on Privacy and Personal Data 1409
Massachusetts. Security and Privacy
Council 1410
Massachusetts. Special Legislative
Commission on Privacy 111
Massachusetts Institute of Technology.
Ad Hoc Committee on the Privacy
of Information at MIT 1411
Mathieson, D.L. 1533
Mayer, Charles S. 1813
Mayer, Michael F. 1412
Meadow, C.T. 1814
Medawar, Charles 635
Medina, Joe C. 1815
Meldman, Jeffrey A. 171, 788
Messadié, Gérald 62
Metz, Douglas W. 789, 1816
Michael, Donald N. 270
Michael, James 1168, 1200-1202,
1237
Michaelson, Martin 790
Middlemas, R.K. 1203
Miller, Arthur R. 112, 172-75,
271, 1413
Miller, Arthur S. 1238, 2059
Miller, Eric 980
Miller, Richard I. 272-73
Miller, Spencer Norman 441
Miller, W.F. 261
Mindlin, Albert 274
Minor, Dale 907
Mironi, M. 1817
Missouri. University. Freedom of
Information Center 791-92

Mitchell, Douglas 1278
Mitchell, Douglas P. 793
Mitchell, Heather 522
Mitchell, John J. 1239
Molinari, Patrick A. 1534
Mollenhoff, Clark 1100, 2060
Molnar, Gerry 1985
Montana. Legislative Assembly.
 Subcommittee on Constitution,
 Elections and Federal Relations
 577
Montgomery, D.B. 794
Moody, Tom Rush, Jr. 2061
Moore, Patrick L. 1818
Moreland, Roy 1819
Morgan, Ernest 578
Morison, William L. 1354-55
Morris, Grant 275
Morris, Raymond N. 981-82
Mortimer, H.E. 1820
Moses, Robert 1821
Moss, John E. 795, 1101, 1240,
 2062
Moss, Judith 1822
Muller, Paul J. 176
Mullan, David 1997
Munro, P. 679, 1184
Murg, Gary E. 1823
Murphy, John F. 796, 1535, 2063
Murray, J. Alex 19, 314, 1304
Myers, E. 276
Myers, E.D. 1824
Nader, Ralph 797
Nadler, Berl 1586
Nathan, Harry Louis Nathan 326
Nathanson, Nathaniel L. 798
National Association of Attorneys
 General. Committee on the Office
 of Attorney General 1414
National Convention of Councils for
 Civil Liberties, 4th, Adelaide,
 1976 1356
National Council for Civil Liberties
 1375
National Research Council. Committee
 on Federal Agency Evaluation
 Research 1415
National Study Group on the Security
 of Computer-based Systems 76
Nealton, Francis J. 755
Neethling, Johann 1299
Negley, Glenn 1536
Neier, Aryeh 1300
Neill, Brian 1537
Nejelski, Paul 579, 1416, 2064
Nelson, Harold L. 580, 908-9, 942,
 1417, 2065
Nelson, Karen S. 1826
Nesbitt, Nancy 2066
Ness, David N. 182
Nesson, Charles R. 442, 2127
Neubauer, Mark 943, 2067
New Brunswick. Premier 523
New Jersey. Attorney General's
 Committee on the Right to Know
 581
New Jersey. Legislature. Joint
 Committee to Inquire into and
 Investigate Wiretapping and the
 Unauthorized Recording of Speech
 343-44
New South Wales. Parliament.
 Library 1000, 1127
New South Wales. Privacy Committee
 1357-59, 1610
New York. Supreme Court. First and
 Second Judicial Depts. Appellate
 Divisions. The Departmental Com-
 mittees for Court Administration
 113
New York (State) Legislature. Joint
 Committee to Study Illegal Inter-
 ception of Communications 345
New York Times Company, Petitioner
 910, 2102
New Zealand. Environmental Council.
 Working Party on the Environmental
 Movement 556-57
New Zealand. Government Advertising
 Committee of Review 1014
New Zealand. Law Revision Commission.
 Subcommittee on Computer Data Banks
 and Privacy 82
Newcombe, H.B. 278
Newman, Constance B. 800
Newman, Frank C. 1132
Newton, Virgil Miller 911
Niblett, G.B.F. 13
Nichol, Nancy J. 1828
Nicholas, H.G. 1204
Nie, Norman 120
Niederlehner, Leonard 1102, 2068
Nimmo, Dan D. 912
Nizer, Louis 1829

Nobles, J.R. 1830
Nolan, R.L. 160
Noll, A.M. 279
Nottingham, Edward W. 1831
Nygh, P.E. 1539
Nyren, K.E. 801
O'Brian, John Lord 1135, 1301
O'Brien, David M. 802, 1832
O'Brien, Dennis 1833
O'Connor, J.J. 1834
Ogilvy-Webb, Marjorie 1011
Ohio. Legislative Service Commission 114
O'Keefe, J.A.B. 81
O'Keefe, John 177
O'Leary, John F. 636
O'Neill, James Richard 803
O'Neill, Tim 1836
Ontario. Commission on Freedom of Information and Individual Privacy 524-25, 1337, 1587
Ontario. Committee on Government Productivity 983-84
Ontario. Dept. of Tourism and Information 985
Ontario. Interministerial Committee on Privacy and Computers 52
Ontario. Law Reform Commission 1338
Ontario. Ministry of Community and Social Services. Committee on Record Disclosure to Adoptees 526, 1339
Ontario. Ministry of Community and Social Services. Youth and Recreation Branch 986
Ontario. Ministry of Government Services. Citizens Inquiry Branch 987
Ontario. Ministry of the Attorney General 527, 988, 1340
Ontario. Privacy Project Task Group 1341-42
Ontario. Task Force on Directories and Guides 989
Ontario. Task Force on Local and Regional Government Data 990
Ontario Federation of Labour 528
Ontario Press Council 1343
O'Reilly, J.T. 805
Organization for Economic Cooperation and Development 14
Organization for Economic Cooperation and Development. Directorate for Scientific Affairs. Computer Utilization Group 15
Orth, Lucia S. 637
Osterman, Melvin H. 2069
Otten, A.L. 1837
Ouellette, Yves 1998
Overman, G. Curtis, Jr. 1838
Owen, J.E. 1839
Øyen, O. 1629
Packard, Vance Oakley 1418
Page, Urlin S., Jr. 443
Palais, D.M. 1540
Palmer, Geoffrey 1627
Palmer, T. 224
Panel on Privacy and Behavioral Research 1840
Parker, Donn B. 280
Parker, Jacqueline Y. 844, 2078
Parker, Richard B. 1541
Parker, W.H. 372
Parks, Wallace 806, 2128
Parnell, A.W., Jr. 1841
Parry, Clive 1205
Parsons, Carole W. 87
Pastalan, Leon A. 1842
Patch, Buel W. 807
Patenaude, Pierre 313, 383, 1588
Patten, Thomas L. 808
Patterson, Marion D. 1843
Paulsson, J.A. 2004
Payne, Marjorie 1844
Pearce, Dennis 1986
Peck, Paul L. 115
Pedrick, Willard H. 929, 1542
Pelletier, Gerard 53
Pember, Don R. 913, 1419
Pemberton, John de J., Jr. 178
Pennock, J. Roland 1420
Pépin, François 1140
Perlman, Harvey 1845
Petru, W.C. 2129
Pezet, E. 1043
Philos, Conrad D. 1104, 2070
Pickerell, Albert G. 809
Piggott, Mary 1012, 1128
Pilpel, Harriet F. 810, 1846, 1848-51
Pinto, Roger 547
Pipe, G. Russell 16, 1852
Plant, Marcus L. 1855
Polin, K.D. 1948

Pollard, J.E. 944
Pollock, Jack 582
Pope, Jeremy 1628
Porat, Marc Uri 811
Porter, W.E. 281, 1854
Post, R.C. 812, 2130
Pratt, Walter F. 1622
Prémont, Jacques 2113
Press Council 890-91, 1376
Préfont, R. 1589
Privacy Protection Study Commission 1423-24
Pross, A. Paul 1126
Pross, Catherine A. 1126
Prosser, William L. 1867
Provencher, Lauri 814, 1871
Provorny, F.A. 1689
Proxmuire, William 284
Public Policy Concern 991
Pylyshyn, Zenon W. 93, 144
Qualter, J.H. 926
Québec (Province). Ministère des communications 992
Québec (Province). Office de révision du code civil 1598
Rachels, James 1545
Radcliffe, Cyril John Radcliffe 551
Ragland, George, Jr. 1872
Raines, John Curtis 1426
Ramey, J.W. 286
Rankin, D. 1873
Rankin, T. Murray 529
Raymond, Allen 583, 817, 914
Redburn, Thomas 818
Reed, Henry J. 1875
Reed, Irving S. 17, 18
Reed, S.K. 307
Reiman, Jeffrey H. 1876
Reitman, Alan 639, 1877
Relyea, Harold C. 584-85, 820-22
Renniger, Clark R. 116
Reuber, G.L. 1057
Rhoads, Gwendolyn R. 824, 1880
Rhodes, Phillip 1105
Rice, J.D. 1881
Richards, David A.J. 1882
Richter, T. 1765
Ricketson, Sam 1185
Riggles, Richard 179
Riley, Tom 667-69
Rittersbach, George H. 308
Rivietz, Louis 1141-42
Roache, T.R. 1893
Roberts, Sidney I. 828, 1894
Robertson, Gordon 530, 993, 1058
Robinton, Madeline R. 2018
Robson, William Alexander 955, 1207
Rock, Peter 670-72
Rockefeller Archives Center 586, 1428
Rodgers, H.R. 1895
Rodgers, Q. 1106, 1896
Roffman, Howard 829
Rogers, William P. 446, 1107, 2073
Rogge, O.J. 640
Roper, Michael 1067
Rosen, C.E. 1898
Rosen, Richard M. 1899
Rosen, Vaughn V. 830
Rosenbaum, B.L. 1900
Rosenberg, Jerry Martin 117
Rosenberg, John 831, 1901
Rosenbloom, H. David 832
Rosenfeld, Arnold R. 1902
Rosenfeld, Frank A. 833, 1903
Rosengarten, S. 1904
Rosenheim, Margaret K. 1755
Rosenzweig, Margaret L. 447-48
Ross, D. Cragg 384
Rothchild, John H. 1241
Rourke, Francis Edward 1136, 1169, 1242-43
Rovere, R.H. 1905
Rowat, Donald C. 531, 673, 873, 1137, 1177-78, 1250
Rowe, B.C. 30
Rubenstein, Daniel I. 1523
Rubin, Ken 532-33, 674, 1143
Rucker, Trudy 732
Ruebhausen, Oscar M. 1547
Ruefli, Timothy 109
Ruff, Harold C., Jr. 1906
Rule, James B. 327, 1377
Runft, John L. 449
Ryan, A. 1624
Ryan, Edward F. 385, 1599, 1999
Sackman, Harold 118-20
Salomon, Kenneth D. 834
Saloschin, Robert L. 835-36
Samuel, Peter 1186
Sanchez de la Torre, A. 641
Satzburg, Burton 2074
Savarese, Anthony P. 450
Sawyer, Jack 288

Saxe, Dianne 54
Scaletta, P.J. 180
Scanlon, Thomas 1548
Schatken, Steven N. 1907
Schechter, Howard 288
Schein, Virginia E. 1549, 1908
Scher, Irving 837
Scher, Jacob 838
Scherf, J.A. 309
Schick, Allen 839
Schmidt, Benno C. 915
Schneider, Carl D. 1303
Schneider, J. 1550
Schneider, K. 840
Schoenfeldt, Lyle F. 1909
Schroeter, G. 2075
Schuster, Joseph F. 346
Schwartz, Alan U. 1291, 1851
Schwartz, Herman 347, 451-52
Schwartz, Louis B. 453
Schwarzkopf, L.C. 841
Schwarzlose, R.A. 842
Scollie, F.B. 1059
Scotland. Law Commission 1378
Scott, Marvin T. 1910
Search Group 1429-30
Searcy, Seth S. 843, 1431, 1911
Seipp, David J. 1964
Seminar on Canadian-American Relations, 14th, University of Windsor, 1972 19, 314, 1304
Seminar on Data Protection and Privacy, Paris, 1974 1305
Seminar on Freedom of Information, Delhi, 1962 481
Seminar on Freedom of Information, Rome, 1964 482
Severn, William 1432
Shaffer, Helen B. 454, 1913
Shah, Chandrakant C. 1987
Sharp, John Maclareen 55, 675, 1306, 1330, 1600
Shattuck, John H.F. 455, 1433
Shaw, B.M. 2076
Shawcross, Lord 892
Sherr, Steve 1645
Sherwood, Margaret 945, 2077
Shields, Donald C. 1393
Shils, Edward A. 916, 1158, 1553
Shurn, Peter J. 844, 2078
Siebert, Fredrick Seaton 893, 917
Sieghart, Paul 77, 214
Sigal, Leon V. 1244
Sills, Arthur J. 289
Silver, Edward S. 456-57
Silver, Isadore 1914
Silverstone, Samuel 1179
Simmel, Arnold 1307
Simon, Arthur M. 1279
Simons, Howard 918
Singer, Benjamin D. 534
Sizer, T.R.H. 181
Skole, . 1632
Sky, Theodore 845
Slaphey, S.J. 1554
Sloan, J.S. 2079
Sloat, Robert W. 1280
Slough, M.C. 1434
Small, Joseph C. 266
Smiley, Donald V. 535
Smith, G. 1245
Smith, J.A. Clarence 374
Smith, Jerry E. 1110, 2080
Smith, M.E. 1915
Smith, Ralph Lee 348
Smith, Robert Ellis 1435
Smith, Ruth S. 1108-9
Smith, Solomon C. 1965, 2091
Smith, William F. 1916
Smythe, D.W. 946
Smythe, Tony 75, 1374
Snyder, Gerald S. 1436
Sobel, Lester A. 349, 1437
Society of Conservative Lawyers. Legal Research Committee 78
Society of Conservative Lawyers. Privacy Committee 1379
Sofaer, Abraham D. 1111, 2081
Solomon, H. 1060
South Australia. Law Reform Committee 1360
Sowle, Claude R. 1438
Sperry, K. 1917
Spicer, Erik 951
Spigelman, Jim J. 1146
Spindel, Bernard B. 350
Spitzer, Carlton E. 569, 954, 1112
Spooner, M. 1555
Sprague, C.A. 846
Sprague, Christopher R. 182
Stallings, C. Wayne 587, 1044, 1439
Stanford University 1440
Staniszewski, John M. 2082
Starrs, Catherine 994
Starrs, J.E. 1918
Stavely, Ronald 1012, 1128

Steele, Fritz 588
Steinberg, Joseph 1919
Stephenson, Susan T. 1281
Stepner, Conrad 1920
Sterling, T.D. 199
Sternal, Guy J. 1045, 1921
Stevens, G.E. 290
Stevens, Jean 1922
Stewart, Gail 994
Stewart, K.A. 1923
Stone, Michael Graham 29, 79, 215
Stone, William T. 1246
Storey, H. 1556
Street, Harry 1557, 1924
Stromholm, Stig 1308, 1558
Summers, Robert Edward 1159
Sussman, A. 1925
Swann, Michael Meredith 552, 894
Swann, Peter N. 1926
Swanton, Jane 1559
Sweden. Commission on Publicity and Secrecy of Official Documents 85
Swire, James B. 459
Symposium on Personal Integrity and the Need for Data in the Social Sciences, Stockholm, March 15-16, 1976 1309
Symposium on Privacy, University of New South Wales, November 1976 20, 1560
Szablowski, George J. 995
Taber, Carleton H.A. 1927
Taeuber, Conrad 1113
Talpis, Jeffrey Alan 1601
Tapper, Colin 21, 216
Tarr, Joel A. 1247
Tate, E.L. 1114
Taviss, Irene 108
Taylor, G.D.S. 1625
Teasdale, P. 1061
Teeter, Dwight L. 580, 909, 1417
Thauberger, John J. 1602
Thayer, Frederick C. 956
Thomas, Paul G. 1062, 1144
Thomas, Uwe 22-3
Thompson, Antony Albert 1381
Thompson, William N. 1261
Thomson, Judith Jarvis 1561
Thurman, S. David 589
Tiernan, Robert J. 1928
Timbers, William H. 849
Tobin, Laurence E. 292
Tome, Richard W. 166
Tompkins, Dorothy L. 469
Trainor, W.J. 322
Trelford, D. 850
Tucker, Robert B., Jr. 293
Tugman, W.M. 1988
Tuomi, Gilda M. 851
Turn, Rein 24-26, 121, 294, 305
Turnbull, Mildred I. 1130
United Nations 483, 536
United Nations. Conference on Freedom of Information, Geneva, 1948 484-85
United Nations. Dept. of Social Affairs 486
United Nations. Economic and Social Council 487
United Nations. Economic and Social Council. Commission on Human Rights 488, 1310
United Nations. Economic and Social Council. Commission on Human Rights. Subcommission on Freedom of Information and the Press 489-90
United Nations. General Assembly. Committee on the Draft Convention on Freedom of Information 491
United Nations. Secretary-General 1961 492
University of Michigan. Institute for Social Research. Committee on Privacy 1443
Unterberger, Gene M. 1937
U.S. Bureau of the Budget. Office of Statistical Standards 590, 1028
U.S. Commission on Federal Paper-work 1444
U.S. Commission on Government Security 2103
U.S. Commission on Security and Cooperation in Europe 493
U.S. Congress 1445
U.S. Congress. House 1446
U.S. Congress. House. Committee on Armed Services 2104
U.S. Congress. House. Committee on Banking and Currency. Subcommittee on Consumer Affairs 1447
U.S. Congress. House. Committee on Government Operations 122, 591-92, 919, 1029-30, 1121, 1448-49, 1977-78, 2105-6

U.S. Congress. House. Committee on Government Operations. Foreign Operations and Government Information Subcommittee 351-52, 593-94, 1031, 2107

U.S. Congress. House. Committee on Government Operations. Special Subcommittee on Invasion of Privacy 123, 1450-51

U.S. Congress. House. Committee on Government Operations. Subcommittee on Government Information and Individual Rights 1032, 1262, 1452-53

U.S. Congress. House. Committee on House Administration 1454

U.S. Congress. House. Committee on Interstate and Foreign Commerce 595

U.S. Congress. House. Committee on Interstate and Foreign Commerce. Subcommittee on Oversight and Investigations 353

U.S. Congress. House. Committee on Post Office and Civil Service 1455

U.S. Congress. House. Committee on Post Office and Civil Service. Subcommittee on Postal Operations 1456

U.S. Congress. House. Committee on Post Office and Civil Service. Subcommittee on Retirement and Employee Benefits 1457

U.S. Congress. House. Committee on Science and Astronautics 124

U.S. Congress. House. Committee on the Judiciary 354, 1263

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights 125, 1458

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Criminal Justice 1459

U.S. Congress. House. Subcommittee on Manpower and Civil Service 1460

U.S. Congress. Senate. Committee on Armed Services 2108

U.S. Congress. Senate. Committee on Banking and Currency 1461

U.S. Congress. Senate. Committee on Commerce 596

U.S. Congress. Senate. Committee on Finance. Subcommittee on Administration of the Internal Revenue Code 597, 1462

U.S. Congress. Senate. Committee on Foreign Relations 355, 920

U.S. Congress. Senate. Committee on Government Operations 1264, 1311, 1463

U.S. Congress. Senate. Committee on Government Operations. Ad Hoc Subcommittee on Privacy and Information Systems 126

U.S. Congress. Senate. Committee on Government Operations. Subcommittee on Intergovernmental Relations 598, 1160, 1979-80

U.S. Congress. Senate. Committee on Government Operations. Subcommittee on Reorganization, Research and International Organizations 1265

U.S. Congress. Senate. Committee on Governmental Affairs 1464

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Indian Affairs 599

U.S. Congress. Senate. Committee on the Judiciary 600-602, 1161, 1465

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Administrative Practice and Procedure 127, 603-4, 1466-68

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitutional Rights 128-30, 356-59, 605-6, 1469-73, 1981

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Separation of Powers 1982-83

U.S. Congress. Senate. Minority Policy Committee 1162

U.S. Dept. of Defense 2109

U.S. Dept. of Health, Education and Welfare. Secretary's Advisory Committee on Automated Personal Data Systems 131

U.S. Dept. of Housing and Urban Development. Urban Information Systems Inter-Agency Committee 1033

U.S. Dept. of Justice 607, 1034, 2110

U.S. Dept. of Justice. Office of Legal Counsel. Freedom of Information Committee 608

U.S. Dept. of State 609

U.S. Dept. of State. Office of Public Affairs 610

U.S. Dept. of the Army 2111

U.S. Domestic Council. Committee on the Right of Privacy 1474

U.S. Federal Council for Science and Technology. Committee on Scientific and Technical Information 132

U.S. Federal Trade Commission. Division of Special Projects 1475

U.S. General Accounting Office 133

U.S. Library of Congress. Congressional Research Service 874

U.S. Library of Congress. Congressional Research Service. Automated Information Services Section 134, 1035

U.S. Library of Congress. European Affairs Division 611-12

U.S. Library of Congress. Law Library. American-British Law Division 315

U.S. National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance 360-63

U.S. National Criminal Justice Information and Statistics Service 135

U.S. Navy Dept. 2112

U.S. Office of Science and Technology 1476

U.S. Presidential Study Commission on International Radio Broadcasting 613

U.S. President's Commission on Federal Statistics 1036

U.S. Secretary of State. Home Dept. 310

Usprich, S.J. 56

Valle, P. 2083

Van Alstyne, W.W. 2084

Van Doren, Mark 494

Vangeenbergh, F. 1563

Van Niekerk, B. van D. 394, 1630

Vélu, Jacques 1313

Vermont. Committee on Administrative Coordination 1479

Villanueva y Labayen, A. 184, 1564

Virginia. Advisory Legislative Council 136

Virginia Law Weekly 1480

Voyenne, Bernard 495

Wacks, R. 1626

Wade, John W. 1938

Wade, Nicholas 853

Wagner, S. 1939

Wagner, Stanley P. 1565

Wagner, Wenceslas J. 1616

Walker, Bruce J. 137

Walker, M.J. 1115

Walker, Patrick Gordon 1209

Wall, D.F. 996-97

Wallace, James H., Jr. 854, 1940

Wallace, Mark S. 2086

Wallace, Paul S. 614

Walter, G.O. 1941

Walter, R.M. 686

Walton, F.P. 1512, 1617

Wanat, D.E. 1942

Wanderer, Emilie N. 1943

Waples, Gregory L. 855

Ward, P. 1181

Ward, P.C. 1944

Wardell, J.J. 1212

Ware, Willis H. 27-28, 138-40, 185, 295

Warner, Malcolm 29, 215

Warnke, Paul C. 856, 1945

Warren, Carol 1566

Warren, Earl 1248

Warren, K. 1210

Warren, Samuel D. 1567

Warren, Sarah E. 756

Warshaw, L.J. 1946

Washington Public Affairs Center Executive Seminar, Washington, D.C., 14-15 October 1976 1481

Washington State Bar Association. Bench-Bar Press Committee 615

Watkins, J.J. 857

Watt, D.C. 687

Watt, David 1344

Watterson, Lynn 296
Weaver, P.H. 947
Webb, W.L. 1116
Webber, E.G. 932
Weber, Steven J. 186
Wechsler, Lawrence H. 858
Weckler, David 251
Wederell, D. 1213
Weeks, J.K. 1568
Weick, P.C. 2087
Weidenbruch, Peter P., Jr. 859,
1947
Weinberg, Steve 860-61
Weinstein, David 297
Weinstein, Kenneth W. 808
Weisband, Edward 953, 1133
Weisert, Kent A. 301
Weisstub, David N. 1345
Welch, William J. 2088
Wells, Peter E.J. 1989
Wennergren, Bertil 680
Wessel, Andrew E. 496
Wessel, Milton R. 103, 141
Westerhof, Caroline Shaffer 921
Westermeier, J.T., Jr. 1948
Western Australia. Committee to
Examine the Question of Privacy
and Data Banks 60
Western Australia. Law Reform
Commission 876, 1967
Westin, Alan F. 142-45, 187-88,
298-99, 364, 376, 463, 1482-87,
1569, 1949
Weston, Hanna B. 263, 1521
Whale, John 877
Whalen, Charles W., Jr. 922
Whalen, Douglas J. 1612
Wheeler, Stanton 1488
Whelan, S.P. 1603
White, Charles H., Jr. 1813
White, H.B. 1951
White, Llewellyn 923
Whitmore, Harry 540, 999
Whitton, John F. 644
Wicker, Tom 1171
Wiegmann, William J. 862
Wien, Robert W. 748
Wiener, H. 189
Wiesner, Jerome B. 863, 1952-53
Wiggins, James Russell 616, 948,
1046, 1118, 2089
Wilk, Charles K. 645, 1314
Wilkerson, Carl 864
Wilkinson, B. 190
Willard, Derek Hunt 1315
Williams, David Glyndwr Tudor 1152,
1211, 1972
Williams, Edward Bennett 464
Williams, F. 646
Williams, J.W.O. 191
Williams, Jeremy S. 57, 1604
Williams, Paul W. 465
Williams, Ralph 2090
Williams, S.F. 1954
Wilson, Dolores Y.P. 1955
Wilson, Robert R. 647
Winfield, Percy H. 1956
Winsbury, Rex 895
Wintzen, R. 683
Wisconsin. Legislative Reference
Bureau 146, 365, 1489
Wise, David 924, 1163
Witten, M. 387
Wolfe, Maxine 1525
Wolfson, J.A. 1570
Woodall, R. 1068
Workshop on the Data Bank Society,
London, November 19-20, 1970 30
Wraith, Ronald Edward 1013
Wright, J. Skelly 1957
Wright, Maurice 1258
Wyoming. Office of Information
Practices 1037
Yang, T.L. 1571
Yankwich, Leon R. 865, 1249, 1958
Yong, James R. 1038
Young, David M. 866
Young, Hugo 1153
Younger, K. 31
Zahn, Gordon C. 867
Zelemyer, William 366, 1490
Zolich, Joseph 1959

TITLE INDEX

This index is arranged alphabetically by first significant word. Lengthy titles have been abridged wherever possible. Items with titles which are incomplete or meaningless without the author's name, e.g. "Report", have been excluded. Common titles have been repeated with the author's name appended in brackets for ease of identification.

| | |
|---|-----------------|
| 1984 - only 11 years away | 1647 |
| Abortion record-keeping and right of privacy | 1780 |
| Abrogation of sovereign immunity in contract cases in Maryland | 2022 |
| Access program to public records | 958 |
| Access reports | 691, 1073, 1637 |
| Access, success and excess | 801 |
| Access to broadcaster's financial statements filed with the FCC: the FOI act alternative | 692 |
| Access to government documents (American Historical Association) | 2097 |
| Access to government documents (Robertson) | 530, 993 |
| Access to government information: administrative secrecy and natural justice | 1179 |
| Access to government information and the classification process | 693, 2124 |
| Access to government information in Sweden | 1015 |
| Access to government information in the United States | 567 |
| Access to government information: libraries have specific role to play | 659 |
| Access to governmental information in California | 1074 |
| Access to historic census data in Canada | 1052 |
| Access to information | 522 |
| Access to information about legislation affecting recreation in Ontario | 986 |
| Access to information? Exemptions from disclosure under the FOI act and the privacy act of 1974 | 753 |
| Access to information: recent legal problems | 838 |
| Access to official information - a neglected constitutional right | 1075, 1214 |
| Access to official papers and information | 807 |
| Access to personal data files | 1922 |
| Access to public documents | 841 |
| Access to public documents in Kentucky | 1076 |
| Access to records | 593 |
| Access to the law | 974 |
| Access to the media: a new fairness doctrine | 939 |
| Accounting profession and privacy | 1796 |
| ACLI urges legislators to hold back on laws on privacy control | 1634 |
| Acquisition of Canadian government documents | 1130 |

Activist FOI group begun in Iowa 780
Administration et documentation 1001
Administration of the FOI act: a brief overview
of executive branch annual reports 584-85
Administration of the FOI act: an evaluation of
government information programs under the act,
1967-72 594, 1031
Administrative implications of FOI legislation 677
Administrative law - aircraft accident investigation
records - FOI act 739
Administrative law - FOI act - commercial or
financial information 'confidential' if disclosure
would impair government access to information or
harm competitive position of informant 1215
Administrative law: FOI act: internal memoranda
that contain statements of policy or
interpretations adopted by an agency may be
subject to disclosure 695
Administrative law - FOI act - personal information
exempted from disclosure 1097, 1785
Administrative law - needed - FOI 696
Administrative law - privilege of non-disclosure 2032
Administrative law: public access to government-held
records: a neglected right in North Carolina 764
Administrative law: the scope of FOIA 862
Administrative secrecy 1172
Administrative secrecy: a Congressional dilemma 1242
Administrative secrecy and data privacy
legislation 246
Administrative secrecy and departmental discretion...
in Canada 1141
Administrative secrecy and ministerial
responsibility 1176
Administrative secrecy and ministerial
responsibility: a reply 1177
Administrative secrecy and the public service in
Canada 1142
Administrative secrecy in developed countries 1137
Adult adoptee's constitutional right to know his
origins 715, 1677
Advertising and the right of privacy 1639
Agencies prepare regulations for implementing new
privacy law 1690
Agency access to credit bureau files: federal
invasion of privacy 786, 1811
Agency implementation of the FOI act 845
Agency implementation of the privacy act and the
FOI act 706
Agency procedures implementing the FOI act: a
proposal for uniform regulations 747
Amended exemption 7 of the FOI act 733

| | |
|---|-----------|
| Amending section 161 of the Revised Statutes with respect to the authority of federal officers and the agencies to withhold information and limit the availability of records | 2105 |
| America's uncounted people | 87 |
| American radio: a report on the broadcasting industry in the United States | 923 |
| Analyse des fondements constitutionnels et juridiques des pouvoirs de réglementation des télécommunications au Canada | 879 |
| Analysis of the protection of privacy act | 1344 |
| And tomorrow...the world? Inside IBM | 12 |
| ANSI standard: identification of individuals for information interchange | 89 |
| Antitrust in the sunshine | 702 |
| Application of information theory to privacy in data banks | 17 |
| Application of state sunshine laws to institutions of higher education | 1279 |
| Approach to the problems of wiretapping | 433 |
| Approaches to privacy and security in computer systems | 90 |
| Argument for complete openness | 653 |
| Aspects nouveaux de la protection de la vie privée | 1510 |
| Aspects of the executive's power over national security matters | 442, 2127 |
| Aspects of the right of privacy | 1765 |
| Assault on privacy | 112, 1413 |
| Assembly bill 2656, protection of individual rights in a computer environment | 97 |
| Assuring confidentiality of responses in social research | 1667 |
| Attack on privacy | 1426 |
| Attitudes toward federal information | 981 |
| Attitudes toward federal information: a summary | 982 |
| Attitudes toward open meetings: a comparative analysis of professional administrators and local politicians | 1261 |
| Attorney General's memorandum on the 1974 amendments to the FOI act | 607 |
| Attorney General's memorandum on the public information section of the administrative procedure act | 1034 |
| Audio-surveillance - droits de l'exécutif | |
| Australian Computer Society code of good practice in the privacy, security and integrity of data | 58 |
| Automated data processing and the issue of privacy | 289 |
| Automated information in public administration | 11 |
| Automation in the courts | 113 |

Availability of information from federal departments and agencies: index and bibliography 1121
Availability to the accused of documents in the possession of the government for the purpose of impeaching government witnesses 1216
Avis de motions portant production de documents 1123
Backdooring the NLRB 784
Balancing the public's right to know with the individual's right to privacy 824, 1880
Bank customer has no reasonable expectation of privacy of bank records 1652
Bank records and the right to privacy 1663
Banques de données électroniques et droit de l'information...étude de droit suisse 86
Basket III: implementation of the Helsinki accords. Hearings 493
Before Hansard 1068
Before Watergate and after: unchecked wiretapping 411
Behavioral and social sciences: outlook and needs 1387
Bibliographies on secrecy and access assembled for the Ontario Commission on Freedom of Information and Individual Privacy 873, 1250
Bibliography: executive privilege 2091
Bibliography of current publication on access to legislative information and activities 1120
Bibliography on FOI selected from the CRS bibliographic data base 874
Big Brother in Britain today 1381
Big Brother knows best: the Franks report 2114
Big Brother's keeper: Robert Ellis Smith's "Privacy Journal" makes your business its concern 1772
Branzburg v. Hayes: a need for statutory protection of news sources 933, 1644
Breach of confidence 1367
Brief history of computer privacy/security research at Rand 121
Briefing on the impact of privacy legislation 101
British committee studies computer data protection 207
British government information services 1006
Broker urges privacy safeguards 1676
Bugging Canada: the protection of privacy and the wiretap law 377, 1574
Bureaucracy in Canadian government 1144
Bureaucratic imperatives and citizen access 650
Businessman's view of the privacy commission's employment recommendations 1781
Cabinet and administrative secrecy in a participatory democracy 1139
Cabinet confidentiality and the Crossman diaries 1192
Cabinet secrecy and the Crossman diaries 1203

California public records act: the public's right of access to governmental information 717
Campaign to protect personal privacy 1678
Can a bank investigate an individual at the request of one of its customers? 1679
Canada's exclusive information cartel 674
Canadian applications on access to information 520
Canadian attitudes towards federal information services 968
Canadian legislative policy report: FOI legislation 504
Canadian librarians and access to government information 1053
Case for a broader right of privacy in Virginia 1838
Case for FOI 501
Case for wiretapping 446
Cases of libel and the right to privacy raise serious - and inhibiting - questions 1847
Catch in the information act 831, 1901
Census inquisition 1683
Central intelligence agency exemption in the privacy act of 1974. Hearings 1452
Central Office of Information 1004
Centralized information systems and the legal right to privacy 171, 788
Cheap little buggers 387
Chief executives, local government, and computers 235
Chief Justice Earl Warren Annual Conference: privacy in a free society 1685
Choice of law in multistate defamation and invasion of privacy 1687
Circumventing title III: the use of pen register surveillance in law enforcement 403
Citizen participation and the administration of public policy 562
Citizen participation in local government: a study encompassing local government in Europe, the United States and New Zealand 1040, 1266
Citizen's guide on how to use the FOI act and the privacy act in requesting government documents: 13th report 591, 1448
Citizens inquiry branch and the MPP 987
Citizens' report on provincial civil service and government information services 957
Civic information - administrative publicity 680
Civic reactions to electronic eavesdropping 364
Civic reactions to personality testing 1482
Civic reactions to the computer 142
Civil liberties in mental health facilities 1521
Civil liberties, libraries and computers 240
Civil responsibility - right to privacy in Quebec - recent cases 1579
Clarifying and protecting the rights of the public to information 600

| | |
|--|----------|
| Classification management lies at the heart of security | 2121 |
| Classified files: the yellowing pages | 2098 |
| Clients access to records: policy and attitudes | 689 |
| Colloque de Dijon: les libertés individuelles et l'information | 682 |
| Commander's handbook on security | 2111 |
| Comment on the privacy act | 1572 |
| Comment on the report of the Commission of Inquiry into Invasion of Privacy | 1573 |
| Commentary on FOI act: neither sacred nor safe | 723 |
| Comments and caveats on the wiretapping controversy | 413 |
| Comments on proposed amendments to section 3 of the administrative procedure act | 774 |
| Comments on the green paper on legislation on public access to government documents | 503 |
| Commercial credit bureaus. Hearings | 1450 |
| Common law protection of privacy | 1505 |
| Communications entre les citoyens et leurs gouvernements, en milieu urbain | 978 |
| Communiquer: rapport | 964 |
| Community information centres, a proposal for Canada in the 70's | 991 |
| Comparative law of privacy | 1568 |
| Comparative law of the right to privacy: the French law | 1617 |
| Comparative law of the right to privacy: the law of Germany and Switzerland | 1512 |
| Comparative view: administrative secrecy in Britain | 1193 |
| Comparison and criticism of the Saskatchewan credit reporting agencies act | 1603 |
| Comparison of provincial private members' bills and Nova Scotia act of 1977 on public access to government information | 513, 972 |
| Compilation of state and federal laws on privacy | 1435 |
| Compliance with the fair credit reporting act | 1475 |
| Comprehensive right to privacy and the micrographic industry | 1941 |
| Computer and data security: a comprehensive annotated bibliography | 309 |
| Computer and invasion of privacy | 123 |
| Computer control guidelines | 38 |
| Computer crime, privacy act discussed by EFTS Commission | 236 |
| Computer data bank - privacy controversy revisited | 275 |
| Computer data banks and security controls | 138 |
| Computer data systems and their effect on individual privacy | 114 |
| Computer file privacy in Great Britain | 205 |
| Computer, individual privacy: address | 248 |
| Computer information security and protection: a bibliography with abstracts | 302-3 |

| | |
|--|----------|
| Computer law service | 94 |
| Computer management and the protection of privacy | 150 |
| Computer privacy | 79 |
| Computer privacy - a commonwealth precedent | 219 |
| Computer privacy and computer security | 27 |
| Computer privacy and security (Campaigne) | 151 |
| Computer privacy and security (Virginia Advisory Legislative Council) | 136 |
| Computer privacy. Hearings | 127 |
| Computer privacy: notes of guidance for local authorities | 73 |
| Computer privacy states' side: seeking cooperation amid confusion | 267 |
| Computer security (Carroll) | 99 |
| Computer security (Hamilton) | 72 |
| Computer security and protection structures | 137 |
| Computer technology and surveillance | 395 |
| Computer v. personal dignity | 272 |
| Computer-conscious law making | 203 |
| Computerization of government files - what impact on the individual? | 152 |
| Computerization of welfare recipients | 1955 |
| Computerized criminal justice information systems | 230 |
| Computerized data banks in public administration | 22 |
| Computerized information services in a democracy | 158 |
| Computerized man | 247 |
| Computers and civil liberties: the situation in the Federal Republic of Germany | 204 |
| Computers and dossiers | 239 |
| Computers and freedom | 78 |
| Computers and privacy (Auburn) | 220 |
| Computers and privacy (Gotlieb) | 196, 253 |
| Computers and privacy (Gt.Brit. Home Office) | 70 |
| Computers and privacy (Henderson) | 257 |
| Computers and privacy (Sweden) | 85 |
| Computers and privacy (U.S. Sec'y of State) | 310 |
| Computers and privacy - a British answer | 211 |
| Computers and privacy - a review of the Younger Committee report | 209 |
| Computers and privacy in Britain | 210 |
| Computers and privacy - the evidence of local government | 74 |
| Computers and the law (American Bar Association) | 88 |
| Computers and the law (Tapper) | 21 |
| Computers and the law of privacy | 273 |
| Computers and the law symposium | 81 |
| Computers and the problems of society | 119 |
| Computers and the protection of privacy | 153 |
| Computers and the right to be let alone - a civil libertarian view | 234 |
| Computers as a threat to individual privacy | 180 |
| Computers, communications and the public interest | 105 |
| Computers, costs and civil liberties | 263 |
| Computers, data banks and individual privacy | 172 |
| Computers - data banks and the individual | 157 |

| | |
|---|-----------|
| Computers in central government ten years ahead | 69 |
| Computers, information privacy and the law | 214 |
| Computers, privacy and security | 243 |
| Computers, privacy and the National Data Centre | 288 |
| Computers: safeguards for privacy | 71 |
| Concept of "national security" and its effect on information transfer | 2125 |
| Concept of privacy | 1511 |
| Concept "privacy" and its biological basis | 1523 |
| Conceptions of privacy: current status and next steps | 1531 |
| Concern grows over data havens | 177 |
| Concerning FOI | 609 |
| Confidence in the law | 1364 |
| Confidential information: a new proprietary interest? Part I | 1185 |
| Confidential information sources, public and private | 1390 |
| Confidential information: we must have it and we must protect it | 1756 |
| Confidentiality and identity | 1822 |
| Confidentiality and local information systems | 274 |
| Confidentiality and privacy: issues in information sharing | 1444 |
| Confidentiality and public access policy for local government | 587, 1439 |
| Confidentiality, conformity and confusion | 2055 |
| Confidentiality expectations of college students: revisited | 1645 |
| Confidentiality of census information | 1446 |
| Confidentiality of census reports. Hearings | 1455 |
| Confidentiality of criminal records: privacy v. the public interest | 297 |
| Confidentiality of family court records | 1925 |
| Confidentiality of income tax returns | 1581 |
| Confidentiality of personnel records | 1817 |
| Confidentiality of public assistance records | 1399 |
| Confidentiality, privacy and security of information: data collection, storage and use by public organizations in Vermont | 1479 |
| Confidentiality versus the need to know | 1946 |
| Congress, shared administration and executive privilege | 2035 |
| Consent, not morality as the proper limitation on sexual privacy | 1927 |
| Consent problem in wiretapping and eavesdropping | 425 |
| Considerations of data security in a computer environment | 107 |
| Conspiracy of silence | 1056 |
| Constitution and the right to know | 560 |
| Constitutional aspects of the regulation of Canadian computer technology | 197 |
| Constitutional dimensions of privacy | 1586 |
| Constitutional foundations of privacy | 1287 |

Constitutional jurisdiction over computer data banks 48
Constitutional law: a state cannot abridge privacy rights of minors under sixteen by denying them access to nonprescription contraceptives 1693
Constitutional law - criminal procedure - Eighth circuit Court of Appeals authorizes forcible, surreptitious entry into unoccupied business premises to install electronic surveillance device 428
Constitutional law - lapse of time does not restore former public official's right of privacy 1694
Constitutional law - records - workmen's compensation claims must be disclosed under the Texas open records act 722, 1695
Constitutional law: separation of powers - bill of attainder - presidential papers - chief executive's right of privacy 1696
Constitutional law: the papers of the executive branch 2073
Constitutional protection of private papers: the role of a hierarchical fourth amendment 1807
Constitutional right of privacy 1761
Constitutional right to know 761
Constraints on data handling 645
Constraints on freedom of dissemination of scientific knowledge 1069
Continuing assault on privacy 1697
Continuing problem of privacy 1784
Continuing the privacy discussion 1747
Control and accessibility of private data held in the federal public service of Canada 675
Control of public information and its effects on China's foreign affairs 681
Controlled accessibility bibliography 307
Controlling the computer's threat to privacy 163
Controversy over federal collection of data on private individuals 237
Coordination documentaire: l'accès du public aux documents administratifs 1002
Cost of privacy: operational and financial implications of databank - privacy regulation 1292
Courts and government information 1986
Credibility gaps and the presidency 1089
Credit reporting and privacy: the law in Canada and the U.S.A. 1306
Credit-granting aspects of the invasion of privacy act 1971 1612
Crime data centers: the use of computers in crime detection and prevention 166
Criminal justice data banks 1974. Hearings 128
Criminal justice information control and protection of privacy act. Hearings 125
Criminal penalties for harassment 1753

| | |
|--|------|
| Criminal prosecution - defendant's right to inspect confidential government reports for use in his defense | 2074 |
| Crisis in credibility | 905 |
| Crisis of confidence: foreign policy research and the federal government | 1231 |
| Crisis of secrecy | 1240 |
| Crossman affair | 1153 |
| Crossman and cabinet confidentiality | 1209 |
| Crossman and the LCJ | 1195 |
| Crossman diaries: suppression, the law, and 'the balance of convenience' | 1200 |
| Crossman diaries, ten-year rule? | 2115 |
| Crown privilege | 2008 |
| Crown privilege (Bell) | 2006 |
| Crown privilege (Bushnell) | 1991 |
| Crown privilege (Hall) | 2012 |
| Crown privilege (Keeton) | 2015 |
| Crown privilege (Molnar) | 1985 |
| Crown privilege (Wells) | 1989 |
| Crown privilege - a comparison | 2011 |
| Crown privilege and Executive privilege: a British response to an American controversy | 2007 |
| Crown privilege and the production of documents | 2020 |
| Crown privilege - appearance of Solicitor-General and senior public servants before the Australian senate | 2001 |
| Crown privilege for documents and oral evidence | 2009 |
| Crown privilege of documents | 1984 |
| Crown privilege: production of documents | 2010 |
| Crown privilege: some recent developments | 2019 |
| Crown privilege today | 2013 |
| Crown's right to suppress information sought in the litigation process | 1993 |
| Crusade for the right to know | 1061 |
| Curbs on the rights of disclosure | 892 |
| Cure for the sickness of secrecy | 1210 |
| Current legal literature: unfreeing certain information under the FOI act | 769 |
| Current legal problems facing commercial banks participating in electronic funds transfer systems | 1820 |
| Cycle d'Études sur la liberté de l'information | 483 |
| Danish system of open files in public administration | 1063 |
| Data archives as resources for research, instruction and policy planning | 1909 |
| Data bank and your privacy: the ACPA's position | 228 |
| Data bank society (Deudney) | 193 |
| Data bank society (Warner) | 29 |
| Data banks: a cause for concern | 191 |
| Data banks and dossiers | 108 |
| Databanks and privacy | 23 |
| Data banks and privacy with particular reference to Australia | 59 |

| | |
|---|----------|
| Data banks and their impact on privacy | 31 |
| Data banks can protect privacy | 296 |
| Data banks endangering personal liberty | 208 |
| Data banks in a free society | 298 |
| Data banks in a free society: computers, record- keeping and privacy | 145 |
| Data banks, privacy and society | 28 |
| Data base developments and international dimensions | 16 |
| Data bases and privacy | 242 |
| Data bases, computers and the social sciences | 95 |
| Data confidentiality and privacy: lessons from the New Jersey negative income tax experiment | 266 |
| Data-handling and the protection of workers' rights | 1518 |
| Data havens: international privacy threat | 161 |
| Data pirates predicted as a threat to privacy | 1701 |
| Data privacy | 190 |
| Data privacy in the United Kingdom | 206 |
| Data processing security: a selected bibliography | 308 |
| Data processing security game | 1 |
| Data protection and government information handling | 54 |
| Data protection methods: what they are and where they're going | 155 |
| Data security and data processing | 106 |
| Data security and the financial community | 255 |
| Death knell of privacy | 1628 |
| Death of privacy | 117 |
| Declassification of sensitive information | 2123 |
| Defamation and publication privacy - a draft uniform bill | 1347 |
| Defamation and the right of privacy | 1938 |
| Defamation by computer | 290 |
| Defamation, privacy and the public's right to know | 1957 |
| Defamations - options for reform | 1348 |
| Defence de la vie privee | 1506 |
| Defenseless society | 1389 |
| Definition of privacy | 1541 |
| Demands of litigants for government information | 849 |
| Democracy, secrecy and national security | 1245 |
| Department of Defense implementation of recommendations of Coolidge Committee on Classified Information | 2109 |
| Departmental Executive privilege: a bar to disclosure when dealing with the IRS | 2033 |
| Developing right of privacy | 1661 |
| Development of the right of privacy in New York | 1401 |
| Development of the theory of the right to privacy in France | 1616 |
| Developments under the FOI act - 1972 | 726 |
| Developments under the FOI act - 1974 | 727 |
| Developments under the FOI act - 1976 | 728 |
| Different view of privacy | 1641 |
| Diffusion de l'information gouvernementale | 690, 996 |
| Digital information and the privacy problem | 13 |
| Diminishing right of privacy | 154 |

| | |
|--|-----------|
| Diminishing right of privacy: a rejoinder | 1698 |
| Direct television broadcasting by satellites and FOI | 625 |
| Directions and misdirections of a constitutional right of privacy | 1402 |
| Disclosure and individual rights: influencing the legislative process under the political reform act of 1974 | 1783 |
| Disclosure in income tax matters | 1576 |
| Disclosure of business secrets under the FOI act: suggested limitations | 808 |
| Disclosure of government tax information and action | 859, 1947 |
| Disclosure of information | 550 |
| Disclosure of information: a coin with two sides | |
| 744, 1732 | |
| Disclosure of prior statements of a government witness in federal criminal prosecutions | 2034 |
| Disclosure v. privacy: competing policy goals within the context of the FOI act | 787 |
| Discovery and public interest | 2014 |
| Discovery of government documents and the official information privilege | 2086 |
| Discussion memorandum on privacy | 1483 |
| Discussion of the concept of FOI in organs of the United Nations | 489 |
| Dissemination of criminal justice information. Hearings | 1458 |
| Distribution of federal government publications | 1049 |
| Document access position statement presented by NFAIS | 729 |
| Documents concerning implementation of Canadian human rights act, Part IV, "protection of personal information" | 1320 |
| Documents in the hands of crown servants | 2116 |
| Doe v. Commonwealth's Attorney: a setback for the right of privacy | 1836 |
| Does research threaten privacy or does privacy threaten research? | 1369 |
| Domestic tranquility and the right to privacy | 1826 |
| Dossier society | 173 |
| Dossier sommaire sur les interventions des gouvernements, de la police et de la justice dans le travail des journalistes | 883 |
| Dossier sur l'information politique à Québec | 514 |
| Dossier: the secret files they keep on you | 1300 |
| Dossiers of American citizens | 264 |
| DPMA privacy survey | 67 |
| Drayton Committee report | 222 |
| Droit a l'information | 495 |
| Droit au respect de la vie privée | 1313 |
| Droit au respect de la vie privée est-il menacé par les réalisations scientifiques et technologiques modernes? | 1563 |

| | |
|--|----------|
| Droit de la personne sur son image en droit québécois et français | 1534 |
| Droit de l'information | 470, 868 |
| Droit et l'écoute électronique en droit français | 389 |
| Drug abuse data banks: case studies | 129 |
| Duty of disclosure in parliamentary investigation | 2036 |
| Eavesdroppers | 336 |
| Eavesdroppers: a preview | 407 |
| Eavesdropping | 326 |
| Eavesdropping and electronic surveillance | 459 |
| Eavesdropping and the law | 450 |
| Eavesdropping: four legal aspects | 388 |
| Eavesdropping, informers and the right of privacy | 400 |
| Eavesdropping on trial | 340 |
| Eavesdropping statute - conflict among the courts | 416 |
| Editorial: the right to information | 626 |
| Educational research and the confidentiality of data: a case study | 1668 |
| Educational research and the protection of human subjects | 1709 |
| Effect of the 1976 amendment to exemption three of the FOI act | 768 |
| Efficiency and privacy | 5, 1290 |
| Efficiency - purchased at the price of privacy | 1734 |
| Eight years to 1984: privacy and law reform | 200 |
| Electronic banking systems and their effects on privacy | 44 |
| Electronic eavesdropping (Donnelly) | 414 |
| Electronic eavesdropping (Henzi) | 431 |
| Electronic eavesdropping: a new approach | 417 |
| Electronic eavesdropping and the federal response | 378 |
| Electronic eavesdropping and the fourth amendment | 346 |
| Electronic eavesdropping and the right to privacy | 466 |
| Electronic eavesdropping and wiretapping and personal right to privacy and the public interest | 384 |
| Electronic eavesdropping: blessing or a curse? | 381 |
| Electronic eavesdropping - the inadequate protection of private communication | 418 |
| Electronic eavesdropping threat to the right of privacy | 449 |
| Electronic eavesdropping: trespass by device | 371 |
| Electronic eavesdropping, wiretapping and your right to privacy | 404 |
| Electronic fund transfer system | 148 |
| Electronic invasion | 311 |
| Electronic surveillance | 419 |
| Electronic surveillance (Magre) | 440 |
| Electronic surveillance and invasion of privacy | 322 |
| Electronic surveillance and the right of privacy | 409 |
| Electronic surveillance - authorized governmental eavesdropping and the numbers game | 420 |
| Electronic surveillance: new law for an expanding problem | 415 |
| Electronic surveillance. Report | 362 |

| | |
|--|-----------|
| Electronic surveillance: setting the limits | 380 |
| Electronic surveillance: standards, restrictions and remedies | 410 |
| Electronic tracking devices and privacy | 421, 1712 |
| Elements and economics of information privacy and security | 1404 |
| Éléments subjectifs du droit de l'information | 641 |
| Eleventh amendment and other sovereign immunity doctrines. Part I | 2045 |
| Emerging data protection in Europe | 8 |
| Emerging problems in evidence | 319 |
| Employer rights and access to documents under the FOI act | 721 |
| End to privacy | 367 |
| End to privacy in America? | 1839 |
| Enemies of information | 686 |
| Enforcing the right of privacy through the privacy act of 1974 | 1711 |
| Erosion of state sovereign immunity and the eleventh amendment by federal decisional law | 2087 |
| Essai diagnostique et prospectif sur les systèmes fédéraux d'information | 961 |
| Essays on executive privilege | 1976 |
| Ethical principles in the conduct of research with human participants | 1382 |
| Every scrap of paper: access to Ontario's municipal records | 1059 |
| Evidence - government agencies - power to prevent disclosure by subordinate in court | 2038 |
| Evidence - government privilege to refuse to disclose the contents of official documents in the federal courts | 2069 |
| Evidence: privilege against revealing state secrets | 2088 |
| Evidence - privilege - maintaining action where the evidence may affect the national security | 2039 |
| Evidence - privilege of nondisclosure by federal officials in judicial proceedings | 2057 |
| Evidence - privileged communications - production of income tax returns in civil litigation | 2040 |
| Evidence - subordinate official held not in contempt for refusal to produce official files | 2061 |
| Evidentiary implications of bill C-176 | 1578 |
| Evolution of the right of privacy in Quebec | 1588 |
| Exécutif et ses documents: orientation récente du droit canadien | 1990 |
| Executive branch practices in withholding information from congressional committees | 1977 |
| Executive classification of information: security classification problems involving exemption (b) (i) of the FOI act | 592 |
| Executive connection | 921 |
| Executive officials' immunity | 2041 |

Executive power and the control of information
practice under the framers 1111, 2081
Executive privilege: a constitutional myth 1973
Executive privilege - a problem for press and bar:
a journalist's view 1100, 2060
Executive privilege - a study of the period 1953-
1960 2053
Executive privilege and the FOI act: the
constitutional foundation of the amended
national security exemption 736, 2042
Executive privilege and the people's right to
know 1093, 2047
Executive privilege. Hearings 1981
Executive privilege: presidential control over
information 1974
Executive privilege, secrecy in government 598, 1979
Executive privilege: secrecy in government.
Hearings 1980
Executive privilege: the withholding of information
by the executive. Hearing 1982
Executive privilege to withhold information from
the judicial branch - a comparative study (U.S. and
U.K.) 1987
Executive privilege v. congressional inquiry 2024
Executive's right of privacy: an unresolved
constitutional question 2027
Expanding the right of privacy: research and
legislative initiatives for the future. Final
conference proceedings 1481
Expect to wait a long time for government information 1084
Expungement of arrest records: legislation and
litigation to prevent their abuse 1729
Facilitating discovery in civil securities actions:
the 1975 amendments to the FOI act of 1966 748
Factors affecting accessibility of information held
by public agencies 1085
Fair credit reporting. Hearings 1447
Fair credit reporting. Hearings...on s. 823 1461
False fear 258
Falsehoods, the right of privacy and the constitutional
privilege 1942
Fear of business computer abuse must be calmed by
privacy laws 241
Federal data banks and constitutional rights 130
Federal data banks, computers and the bill of
rights. Hearings 1469
Federal executive immunity from civil liability in
damages: a reevaluation of Barr v. Matteo 2043
Federal FOI act as an aid to discovery 1086, 2044
Federal government in the sunshine act: a public
access compromise 1269
Federal government information and secrecy 1143
Federal government is a source of data 1113
Federal information controls in peacetime 1159

Federal law - wiretaps 422
Federal reserve policies and public disclosure 1020
Federal secrecy 1230
Federal statistics 1036
Federal tax return confidentiality 1423
Fifty-year rule: official restrictions covering
the inspection of public records 1197
Files: legal controls over the accuracy and
accessibility of stored personal data 1777
Fin de la vie privée 62
Final act 484
Final answer: the people in control 249
Final report of the Privacy Protection Study
Commission: joint hearings 1464
Finding the facts bureaucrats hide 1241
First amendment: a living thought in the computer
age 250
First amendment and the right to know 738
First amendment limitations on public disclosure
actions 1728
First freedom 564, 903
Florida incident shows value of confidentiality 1923
Florida's government-in-the-sunshine and public
records law manual 565, 1260
Fonctionnaire et le droit du public à l'information 651
For journalists only? 842
Ford's privacy report 229
Foreign affairs, the public interest and the right
to know 687
Foreign security surveillance: balancing executive
power and the fourth amendment 436
Forgotten amendment: *Griswold v. Connecticut*, right
to marital privacy and rediscovery of ninth
amendment 1681
Formulary model for flexible privacy and access controls 260
Foundations of various state information practice laws 268
Fourth branch of government 898
France is ready to clamp down on computer abuse of
privacy 202
Freedom and communications 571
Freedom and restraint in broadcasting: the British
experience 552, 894
Freedom and the news 884
Freedom from information: the act and the agencies 797
Freedom in Australia 540, 999
Freedom nobody wants 817
Freedom of communications 596
Freedom of environmental information 556
Freedom of information 740
Freedom of information 1042
Freedom of information (Auckland District Law
Society) 554
Freedom of information (Australia) 869
Freedom of information (Brucker) 897

Freedom of information (Lewis) 684
Freedom of information (Riley) 667
Freedom of information (Rosen) 830
Freedom of information (Wiesner) 863
Freedom of information: a brief submitted to the government of Canada 498
Freedom of information: a compilation 486
Freedom of information: a critical review 836
Freedom of information: a human right 551
Freedom of information: a preliminary look at the issues 555
Freedom of information: a revised supplemental survey of recent writings 611
Freedom of information: a selective report on recent writings 612
Freedom of information act 858
Freedom of information act: 1974 amended time provisions interpreted 741
Freedom of information act: a governmental perspective 834
Freedom of information act: a seven year assessment 855
Freedom of information act: a survey of litigation under the exemptions 745
Freedom of information act: access to law 1088
Freedom of information act amendments of 1974: an analysis 778
Freedom of information act: an examination of the commercial and financial exemption 776
Freedom of information act and its internal memoranda exemption: time for a practical approach 803
Freedom of information act and pre-trial discovery 694
Freedom of information act and the 'right' of non-disclosure 730
Freedom of information act as amended: background, judicial construction, and selected bibliography 614
Freedom of information act - disappointment and hope 710
Freedom of information act: hearings 603
Freedom of information act, is it a clear public records law? 1078
Freedom of information act: its evolution and operational status 820
Freedom of information act source book: legislative materials, cases, articles 604
Freedom of information act: strategic opportunities and threats 794
Freedom of information act: suggestions for making information available to the public 771

Freedom of information act: the parameters of the exemptions 755
Freedom of information act: the requirement for government to disclose information in its possession and the implications for business, government, and the public 574
Freedom of information act: what it is and why we need it 673
Freedom of information act's privacy exemption and the privacy act of 1974 833, 1903
Freedom of information and Canadian welfare law 658
Freedom of information and individual privacy 194
Freedom of information and ministerial responsibility 518, 1252
Freedom of information and privacy act for the United Kingdom 549, 1365
Freedom of information and privacy: the civil libertarian's dilemma 639, 1877
Freedom of information and secrecy in government. Hearing 601
Freedom of information and secrecy in government. Hearings 605
Freedom of information and secret law in Canada 519
Freedom of information and the United Nations 619
Freedom of information as a project of international legislation 474
Freedom of information at military academies 742
Freedom of information case list 608
Freedom of information: comments and suggestions of governments 536
Freedom of information: comments on the green paper 500, 967
Freedom of information deserves higher priority 670
Freedom of information digest 791
Freedom of information: due process of the right to know 777
Freedom of information foiled by a friend 860
Freedom of information. Hearings 602
Freedom of information: impact on the federal bureaucracy 570, 1027
Freedom of information in American policy and practice 610
Freedom of information in Arizona: an antidote for secrecy in government 763, 1222
Freedom of information in Australia: issue closed 678
Freedom of information in Canada: will the doors stay shut? 529
Freedom of information in New Zealand 688
Freedom of information in the market place 566
Freedom of information issue: a political analysis 535
Freedom of information issue in Canada 515
Freedom of information: judicial review of executive security classifications 829
Freedom of information July 1, 1970 to June 30, 1975: report of Canada 499

| | |
|--|----------------|
| Freedom of information - justice for workers | 652 |
| Freedom of information - lawyers take a stand | 671 |
| Freedom of information legislation | 541 |
| Freedom of information legislation for Canada: | |
| why it's needed and what it should contain | 517 |
| Freedom of information - new role for PSAC members | 656 |
| Freedom of information: news and comment | 655 |
| Freedom of information on matters of environmental interest | 557 |
| Freedom of information: outline of government policy pertaining to a legislated right of access by the public to government documents | 523 |
| Freedom of information: paper delivered at the Seminar on Communicating Government | 542 |
| Freedom of information regulations: a new tool to measure manager effectiveness | 703 |
| Freedom of information: some analysis and a proposal for satellite broadcasting | 946 |
| Freedom of information: the N.S. law | 657 |
| Freedom of information, the right of privacy and government information practices | 527, 988, 1340 |
| Freedom of information - the struggle goes on... and on... | 668 |
| Freedom of information vs. privacy: an information dilemma | 743, 1730 |
| Freedom of information vs. the NLRB: conflicts and decisions | 716 |
| Freedom of information: will it make for better government? | 648 |
| Freedom of information: you still need a can opener | 861 |
| Freedom of the press from Hamilton to the Warren court | 908 |
| Freedom of the press for whom? The right of access to mass media | 559 |
| Freedom of the press in England, 1476-1776 | 893 |
| Freedom of the press vs. public access | 915 |
| Freedom or secrecy | 616 |
| Freedom to know | 561 |
| Freedom's edge: the computer threat to society | 141 |
| Full committee consideration of the inquiry into matters regarding classified testimony taken on April 22, 1974 concerning the CIA and Chile | 2104 |
| Full disclosure: new and responsible attitudes | 1384 |
| Function of information services in government | 1065 |
| Future computer technology and its impact | 139 |
| Future of constitutional privacy | 1914 |
| Gagging open government | 1183 |
| Games bureaucrats play | 768, 2051 |
| Geheimhaltung und Öffentlichkeit in der Aussenpolitik | 548 |
| General purpose information system centralized or federated (a case in the province of Ontario) | 970 |
| Getting a personal dossier from a statistical data bank | 261 |
| Getting people taped | 391 |
| Getting the confidential treatment | 1225 |
| Global implications of the information society | 811 |

| | |
|---|------------------|
| Gone today and here tomorrow: issues surrounding the future of citizen involvement | 994 |
| Gouvernants et gouvernés: la communication politique | 952 |
| Government access to bank records | 1744 |
| Government access to bank records in the aftermath of United States v. Miller | 1745 |
| Government advertising | 1014 |
| Government and ignorance | 1132 |
| Government and mass communications | 899 |
| Government and the media: review essay | 935 |
| Government and the press | 895 |
| Government contractors and the initial steps of the privacy act | 1656 |
| Government data banks and rights of individuals | 92 |
| Government disclosure of private secrets under the FOI act | 805 |
| Government documents in Australia | 1000, 1127 |
| Government documents round table | 1114 |
| Government documents: their copyright and ownership | 1110, 2080 |
| Government dossier: an inventory of government information about individuals | 1466 |
| Government drive hits possible privacy abuses by its computers | 254 |
| Government explains: a study of the information services | 1011 |
| Government in ignorance of the law | 1131 |
| Government in the sunshine (Chiles) | 1270, 1686 |
| Government in the sunshine (U.S. Congress) | 1262 |
| Government in the sunshine act: a danger of overexposure | 1280 |
| Government in the sunshine act implementation. Hearings | 1263 |
| Government in the sunshine act: opening federal agency meeting | 1281 |
| Government in the sunshine act: source book, legislative history, texts and other documents (U.S. Congress) | 1264 |
| Government in the sunshine. Hearings...on s. 260 | 1265 |
| Government in the sunshine: promise or placebo | 1268 |
| Government in the sunshine: the status of open meetings and open records laws in North Dakota | 1273 |
| Government information and the research worker | 1012, 1128 |
| Government information and the rights of citizens | 1090, 1226, 1746 |
| Government information network: a challenge of size | 1108 |
| Government information plans and policies. Hearings | 1029 |
| Government information: problems and options | 1109 |
| Government looks at privacy and security in computer systems | 116 |
| Government news from anonymous sources | 919 |
| Government operations and the public's right to know | 1118, 2089 |
| Government printing and copying study | 1122 |

| | |
|--|------------|
| Government privilege against disclosure of official documents | 2046 |
| Government publications for the citizen | 1129 |
| Government publishing in the Canadian provinces | 1126 |
| Government records for research | 1024 |
| Government regulation of computer stored information | 10 |
| Government regulation of the computer industry | 103 |
| Government secrecy (McMillan) | 1182 |
| Government secrecy (Michael) | 1237 |
| Government secrecy (Samuel) | 1186 |
| Government secrecy and the public's right to know | 871 |
| Government secrecy: exchanges intermediaries, and middlemen | 1223 |
| Government secrecy. Hearings | 1160 |
| Government secrecy in democracies | 1134 |
| Government secrecy in theory and practice | 1239 |
| Government security - a job hazard | 1051, 1173 |
| Government surveillance and individual freedom: a proposed statutory response to <i>Laird v. Tatum</i> | 402 |
| Government surveillance of U.S. citizens | 1393 |
| Government's big ears | 406 |
| Government's security classification and declassification program | 714, 2120 |
| Governmental and intergovernmental immunity in Australia and Canada | 1966 |
| Governmental immunity from discovery | 2025 |
| Governmental non-disclosure in judicial proceedings | 2030 |
| Governmental secrecy: corruption's ally | 1248 |
| Governmental secrecy in Canada | 1174 |
| Governments tackle data banks privacy poser | 168 |
| Governors and the governed | 955 |
| Grand jury witness and illegal electronic surveillance | 437 |
| Griswold case and the expanding right to privacy | 1654 |
| Griswold penumbra: constitutional charter for an expanded law of privacy | 1707 |
| Group privacy: the right to huddle | 1664 |
| Growing problem for researchers: protecting privacy | 1725 |
| Guidelines for humanizing computerized information systems | 199 |
| Habeas data: the right of privacy versus computer surveillance | 186 |
| Habits of secrecy | 1198 |
| Handling personal data | 295 |
| Head of privacy unit gives mailers hints on rules it will seek | 1834 |
| Highlights of the peace and security program | 317 |
| Historian and the federal government | 1247 |
| Holding government accountable: the amended FOI act | 718 |
| House bill would limit access to records | 1767 |
| How accessible are the records in government records centres? | 1092 |
| How America tackles the privacy problem | 1873 |

| | |
|---|-----------|
| How big is your gamble on information security? | 292 |
| How much administrative secrecy? | 1178 |
| How private is your tax return? | 1706 |
| How to get technical information from the government | 1115 |
| Human rights and scientific and technological developments | 1310 |
| Hutchins v. Texas Rehabilitation Commission: public and private access to state records | 1844 |
| IBM's guidelines to employee privacy | 1770 |
| If knowledge is power, too many are weak | 654 |
| Illinois and the right of privacy: history and current status | 1757 |
| Impact of computers on society | 2 |
| Impact of privacy legislation on the federal statistical system | 1708 |
| Impact of technological developments on the right to privacy | 1514 |
| Implementation of the privacy act of 1974: data banks. Hearing | 1453 |
| Importance of privacy at work | 1496 |
| In camera inspections under the FOI act | 781 |
| In pursuit of a press privilege | 937, 2037 |
| In re Quinlan: defining the basis for terminating life support under right of privacy | 1916 |
| In re "right of privacy" | 1570 |
| Incommunicado social machines | 534 |
| Index and seventh selected bibliography on computers and the law | 301 |
| Index of federal information banks | 966 |
| Index of federal information banks: procedures manual re: Canadian Human Rights Act | 1321 |
| Indian amendment to FOI act. Hearing | 599 |
| Individual and the bureaucracy | 1317 |
| Individual privacy and personnel psychology: the need for a broader perspective | 1549 |
| Individual privacy: evidence to the Data Protection Committee | 1375 |
| Individual rights and national security | 1166 |
| Individual rights and the federal role in behavior modification: a study | 1470 |
| Individual's right of access to his personal files | 231 |
| Informal methods of combatting secrecy in local government | 578 |
| Informant anonymity and scientific accuracy: the problem of pseudonyms | 1762 |
| Information: a critical component for better government | 990 |
| Information access and the Workmen's Compensation Board | 976 |
| Information act: a preliminary analysis | 724 |
| Information act invoked in contracting | 773 |
| Information and the public interest | 1009 |
| Information Canada, April 1, 1970 - March 31, 1976: a report on federal government communications | 980 |

Information et démocratie 1147
Information et gouvernement en régime de démocratie 1043
Information et liberté 627
Information for a changing society 477
Information gap 649
Information gouvernementale au Québec et au Canada:
 bibliographie analytique 1119
Information gouvernementale et les courriéristes
 parlementaires au Québec 928
Information in a system of participation politics 512
Information is power - let's share it 850
Information leaks hooked to civil service 1181
Information management in the Maritime provinces 962
Information moderne et le droit à l'information 546
Information policy, computers and privacy 232
Information practices in Wyoming state government 1037
Information privacy: concerns about the Alberta
 mental health services information system: a
 position paper, second study 1323
Information privacy: constitutional challenges to
 the collection and dissemination of personal
 information by government agencies 1791
Information processing and the right to privacy:
 a crossroads decision for North Americans 19, 314, 1304
Information requests under the FOI act 712
Information revolution and the bill of rights 1952
Information services and the machinery of government 1066
Information services of the province of British
 Columbia 960
Information technology 109
Information technology in a democracy 143
Information theory and privacy in data banks 18
Information utility and social choice 120
Information war: the press and the politics of
 self-deception 907
Informational privacy and public records 1045, 1921
Informational privacy and the private sector 1751
Informational privacy: the concept, its acceptance
 and effect on state information practices 1771
Infringement of privacy and its remedies 1556
Inquisitional process in private employment 405
Inquisitive society: towards the right of privacy 1660
Institutional intimidation and consumer privacy 1898
Insuring confidentiality of individual records in data
 storage and retrieval for statistical purposes 256
Integrated information bank systems, social bookkeeping
 and privacy 176
Integrated municipal information systems 262, 1096
Interactions of computers and privacy 279
Interception of communications without a court order:
 title III consent, and the expectation of privacy 423
Internal Revenue Service use of electronic surveillance
 information in the enforcement of the wagering taxes 438
International convention on invasion of privacy 1535

| | |
|---|------------|
| International co-operation on information for Parliament | 951 |
| International factors | 4 |
| International FOI | 621 |
| International involvement of a national center for government information | 1041 |
| International law and proposed FOI | 647 |
| International satellite controversy | 760 |
| Introducing the Privacy Committee | 1359 |
| Introduction: a legislator's view - executive privilege, public's right to know | 1101, 2062 |
| Introduction: an executive branch view - executive privilege, public's right to know | 1102, 2068 |
| Introduction: information disclosure policies and practices of federal administrative agencies | 734, 1219 |
| Introduction to the federal privacy act of 1974 and its effect on the FOI act | 700 |
| Intruders: the invasion of privacy by government and industry | 342, 1408 |
| Intrusion on solitude | 1720 |
| Invasion of privacy (Auburn) | 223 |
| Invasion of privacy (Madgwick) | 75, 1374 |
| Invasion of privacy (Williams) | 1604 |
| Invasion of privacy (Zelermeyer) | 366, 1490 |
| Invasion of privacy? | 1900 |
| Invasion of privacy: a clarification of concepts | 1801 |
| Invasion of privacy and the FOI act: Getman v. NLRB | 757, 1766 |
| Invasion of privacy by electronic listening devices | 374 |
| Invasion of privacy by electronic listening devices in Canada | 385 |
| Invasion of privacy by electronic listening devices in England | 390 |
| Invasion of privacy by electronic listening devices in the United States and Germany | 432 |
| Invasion of privacy - its administrative impact | 1605 |
| Invasion of privacy: pt. 1: technology and the claims of community | 1905 |
| Invasion of privacy: pt. 2: reshaping of privacy | 1760 |
| Invasion of privacy: pt. 3: limits of privacy | 1763 |
| Invasion of privacy: pt. 4: laws contemptuous | 1774 |
| Invasion of the right of privacy: status in Colorado | 1815 |
| Invasions of privacy | 1353 |
| Invasions of privacy (government agencies) | 1467 |
| Inventory of data banks in the public sector | 15 |
| Inventory of legal tools for protecting privacy | 1484 |
| Is a congressional committee entitled to demand and receive information and papers from the President and the heads of departments in the public interest? | 1025 |
| Is there a right to know? | 1060 |
| Issue of administrative secrecy in Canada | 1144 |

| | |
|--|----------------|
| Issue of privacy in public opinion research | 1680 |
| It's your government - but how much can you learn about what is going on? | 705 |
| Jencks legislation: problems in prospect | 762 |
| Jencks v. United States - production of documents | 2090 |
| Joint statement by Gerard Pelletier and Otto Lang on the release of the "Privacy and Computers Task Force report" | 53 |
| Journalism and government | 877 |
| Journalism, communication and the law | 878 |
| Journalist - informant privilege | 934, 2028 |
| Judicial review of classified documents: amendments to the FOI act | 782, 1232 |
| Jurisdictional aspects of North-South data flow (Canada to U.S. - 2d part of 4) | 165 |
| Keeping "big brother" at bay | 265 |
| Knocking on wood: some thoughts on the immunities of state officials to civil rights damage actions | 2050 |
| Knowledge is power: foreign policy and information interchange among congress, the executive branch and the public | 796, 2063 |
| Knowledge is power: poverty law and the FOI act | 732 |
| Labor relations information delivery in the public sector | 1098 |
| Labour's interest in freedom of information | 669 |
| Laudatory invasion of privacy | 1959 |
| Law and privacy: the Canadian experience | 1575 |
| Law and the press in Canada | 885, 1331 |
| Law enforcement information system | 218 |
| Law of crown privilege in Canada and elsewhere | 1994 |
| Law of electronic surveillance | 331 |
| Law of mass communication: freedom and control of print and broadcast media | 580, 909, 1417 |
| Law of privacy | 1786 |
| Law of privacy and marketing research | 1813 |
| Law of privacy in New York | 1899 |
| Law of wiretapping | 447-48 |
| Law of wiretapping and eavesdropping: an area of anomalies, inconsistencies and contradictions | 396 |
| Law relating to a right of privacy | 1790 |
| Lawyer's new challenge in criminal law: the protection of privacy act examined in detail | 1584 |
| Laying down the law in Sweden | 224 |
| Legal aspects of computerized information systems | 132 |
| Legal aspects of reference checking for personnel selection | 1794 |
| Legal implications of, and barriers to, the right to know | 865, 1249 |
| Legal note: social research and privileged data | 1789 |
| Legal pitfalls in the right to know | 750 |
| Legal problems involved in censoring the media of mass communications | 725 |
| Legal problems of electronic information storage | 147 |

| | |
|---|-----------|
| Legal problems of FOI in the United Nations | 622 |
| Legal protection of privacy (Greenawalt) | 904 |
| Legal protection of privacy (Williams) | 57 |
| Legal protection of privacy: a comparative survey of ten countries | 1515 |
| Legal safeguards to insure privacy in a computer society | 144 |
| Legal twists and twirls of the FOI act | 756 |
| Legally available U.S. government information as a result of the public information act | 1026 |
| Legislation on public access to government documents | 963 |
| Legislation suédoise sur l'informatique | 84 |
| Legislative controls over data files: now is the time to plan | 1906 |
| Legislative history of the privacy act of 1974, s. 3418 (Public law 93-579): source book on privacy | 1454 |
| Legislative measure to augment the free flow of public information | 1229 |
| Legislatures and secrecy | 1205 |
| Legitimation of electronic eavesdropping | 451 |
| Less government secrecy and more personal privacy? Experience with the FOI and privacy acts | 707, 1658 |
| Lessons in constitutional interpretation: sovereign immunity in Pennsylvania | 2079 |
| Let my people know: access to information in a post-industrial society | 709 |
| Let's take the hypocrisy out of wiretapping | 424 |
| Liberté de l'information | 471 |
| Liberté de l'information dans le droit canadien | 662 |
| Liberté d'information en Allemagne occidentale | 683 |
| Liberté d'opinion et d'information, contrôle jurisdictionnel et contrôle administratif | 547 |
| Liberté et servitude de la presse en France | 887 |
| Liberty and secrecy of correspondence and communications | 1296 |
| Libraries and the freedom of access to information | 572 |
| Library: wiretapping and eavesdropping | 467-68 |
| Limites à la liberté d'information | 545 |
| Limits of FOI in the Netherlands | 553 |
| "Link" system for assuring confidentiality of research data in longitudinal studies | 1649 |
| List of law journal articles, comments and notes on the federal FOI act | 698 |
| Litigation under the amended federal FOI act: conference handbook | 576 |
| Local information policy: confidentiality and public access | 1044 |
| Lots of people know your secrets | 1554 |
| Mail interception and telephone tapping in Britain | 323 |
| Maintaining confidentiality of data in educational research: a systemic analysis | 1669 |

Maintaining the professional integrity of federal statistics 1642

Making government accountable: a comparative analysis of freedom of information statutes 633, 1255

Man's right to knowledge and the free use thereof 494

Management of information and knowledge 124

Manifeste pour la liberté de l'information 511

Marijuana prohibition and the constitutional right of privacy 1675

Materials pertaining to s. 3418 and protecting individual privacy in federal gathering, use and disclosure of information 1463

Media and the law 918

Media and the presidency: an exchange analysis 938

Mémoire de la Ligue des droits de l'homme 1333

Mémoire du service de police 1325

Mémoire sur la qualité de l'information gouvernementale 971

Memorandum no. 40: confidential information 1378

Michigan's citizen participation statute 1105

Michigan's FOI act 697

Ministerial responsibility in Australia and Britain 1254

Ministers and civil servants: relations and responsibilities 1258

Ministers and their mandarins 2005

Ministry of misinformation 1064

Minnesota privacy experience spotlights complexity of issue 1829

Minutes of proceedings and evidence 1968

Modern information technology in the state legislatures 134, 1035

Money and secrecy: a citizen's guide to reforming state and federal practices 1022

Moral problems related to censoring the media of mass communications 711

More business data from government files 685

More IRS information may become public due to amended FOI act 832

Municipal information systems: the state of the art in 1970 1033

Municipal public relations 896, 1016

Myths of national security 1156

Myths of privacy 1336

Naked society 1418

Names of rulings recipients: a case for disclosure 737, 1724

National data bank: friend or foe? 277

National data center and personal privacy 271

National information policy: ALA asks library input 799

National information policy: interpretations of the report to the President of the United States 1106, 1896

National information policy: report to the President of the United States 1474

National security and civil liberties 427
National security and individual freedom (Lasswell) 573
National security and individual freedom (O'Brian)
1135, 1301
National security and the amended FOI act 812, 2130
National security and the public's right to know
856, 1945
National security and the public's right to know:
a new role for the courts under the FOI act 2126
National security wiretaps 455
Nature of privacy 1345
Necessity of statutory protection of the right of
privacy 1825
Need for reform of the informational and evidentiary
use of tax returns in nontax criminal prosecutions
1736
Need to know: the right to privacy 623, 1684
NEPA and the FOI act: a prospect for disclosure 851
New directions in government information 975
New era for privacy 1895
New information law gets heavy use from public,
businesses 720
New Jersey's right to know 581
New journalism and the old - thoughts after
Watergate 947
New privacy law to have major impact on government
data 1080, 1691
New privacy legislation covers business credit 1827
New York Times Company v. United States: a
documentary history of the Pentagon papers
litigation 910, 2102
New York's access to records law 1928
News media and local government 880
News policies in Viet Nam. Hearings 920
Newsgathering and the first amendment 857
Newsgathering in Washington: a study in political
communication 912
Newsman's privilege after Branzburg: the case for
a federal shield law 943, 2067
Newsman's privilege against disclosure of confidential
sources and information 942, 2065
Newsman's privilege: government investigations,
criminal prosecutions and private litigation 945, 2077
No expectation of privacy in bank records 1830
No place to hide 341, 1407
None of your business: government secrecy in America
1391, 2099
Nordic conference on the right to privacy 1538
Not for publication (Gross) 1091
Not for publication (Lloyd) 1151
Not in the public interest: crown privilege
defined 1997
Not in the public interest: the problem of security
in democracy 1152, 1972

Notes for an article on "Openness of public documents"

497

Notes from the Temple: telephone tapping 392
Official responsibility, private conscience and public information 1058
Official secrecy and FOI 679, 1184
Official secrecy and informal communication in congressional-bureaucratic relations 1244
Official secrecy - Franks report 2117
Official secrecy in British government 1191
Official secrecy in England 1211
Official secrets act 1951 1154
Official secrets act 1951 and the unauthorized disclosure of information 1212
Official secrets acts 1194
Official secrets acts: another view 1190
Official secrets - government secrecy 1168
Official secrets: sealed lips 1199
Officially secret 2095
Officials and secrets 1164
Officious secrecy 1201
Ohio privacy act 1743
Ominous ear 350
On applying the "mere evidence" rule to government eavesdropping 429
On being censored 1236
On current proposals to legalize wiretapping 453
On electronic surveillance 368
On privacy - a discourse with myself 1814
On privacy: constitutional protection for personal liberty 1835
On record: files and dossiers in American life 1488
On the question of statistical confidentiality 1723
One man's files 867
Onus for privacy is on users 1620
Open America v. Watergate Special Prosecution Force: judicial revision of FOIA time limits 758
Open America v. Watergate Special Prosecution Force: relief from the strict time limits of the FOI act 804
Open ear: surreptitious conversation monitoring devices 441
Open files: letting Exxon in 818
Open government principle: applying the right to know under the constitution 806
Open government: the British interpretation 1013
Open government: to what degree? 544, 1145
Open meeting statutes: the press fights for the "right to know" 940, 1235, 1276
Open organization 588
Open record laws in Scandinavia 617
Opening government to public scrutiny: a decade of federal efforts 821
Openness in government: a new era 731, 1271

| | |
|--|------------|
| Openness in government: protecting informant's confidential information against discretionary release | 837 |
| Openness of public documents | 521 |
| Ordinateur et la sauvegarde des libertés individuelles | 61 |
| Ordinateur et la vie privée | 35 |
| Organizing the propaganda instrument: the British experience | 1003 |
| Ottawa: lip service to freedom of access | 664 |
| Out with garbage | 284 |
| Outline of the functions and organization of the Central Office of Information | 1005 |
| Outraged dignity: do we need a new tort? | 1508 |
| Overview of the emerging statutory "right" of information privacy | 1646 |
| Overview of the law governing access to information held by public agencies in the State of Illinois and the City of Chicago | 1103 |
| Panel on wiretapping | 444 |
| Parliament and the press | 930 |
| Parliamentary privilege and political morality in Britain 1939-1957 | 2018 |
| Parliamentary privilege and the freedom of the press | 2002 |
| Parliamentary privilege and the publication and radio and television broadcasting of parliamentary debates | 1125, 1969 |
| Parliamentary privilege in the Canadian House of Commons | 1992 |
| Participation and liberal democratic government | 956 |
| Payments for the invasion of privacy | 1741 |
| Peacetime censorship | 1218 |
| Pentagon propaganda machine | 1021 |
| People and the media | 889 |
| People's case for wiretapping | 456 |
| People's right to know | 638 |
| People's right to know (Hennings) | 2048 |
| People's right to know (Sprague) | 846 |
| People's right to know (Tugman) | 1988 |
| People's right to know: a report on government news suppression | 583, 914 |
| People's right to know: legal access to public records and proceedings | 563 |
| People's right to know reviewed | 779 |
| Perils of government secrecy | 1171 |
| Personal information gathered by computer: legal considerations | 293 |
| Personal information stored in computer files should be severely limited | 187 |
| Personal liability of public officials, sovereign immunity and compensation for loss | 1975 |
| Personal privacy in an information society (Roache) | 1893 |

Personal privacy in an information society
(United States) 1477

Personal privacy in the computer age 174

Personal privacy versus the corporate computer 160

Personal records: procedures, practices and
problems 32

Personnel file - what and whose? 630

Personnel records could become a new quandary
for business 198

Philosophical views on the value of privacy 1536

Pittman v. City of Taylor: recent developments
in governmental immunity from tort liability
in Michigan 2029

Place of architectural factors in behavioral
theories of privacy 1493

Planning community information utilities 118

Police computer and you 164

Police power and individual freedom 1438

Policy and guide on Canadian government publishing 1124

Policy issues in data protection and privacy 14, 1305

Policy proposals for FOI legislation report 537

Policy statement on privacy and security 96

Political ideal of privacy 1530

Politics and broadcasting: case studies 926

Politics of lying 924, 1163

Politics of world information 634

Politics, privacy and computers 215

Polls: government information policy 1083

Polygraph story: dedicated to man's right to
verify the truth 1386

Pour une politique québécoise des communications 992

Preponderance of jurisdictions recognize right of
privacy 1855

Present and proposed standards for foreign intelligence
electronic surveillance 373

Preservation of privacy bill 1972 221

Preservation of privacy in banking 1721

Press and bureaucracy 911

Press and foreign policy 900

Press and the people 890

Press, parliament and privilege 2000

Price of privacy 1379

Privacy 1421

Privacy (Fried) 1731

Privacy (Jones) 325, 1371

Privacy (Pennock) 1420

Privacy (Prosser) 1868

Privacy (Schneider) 1550

Privacy (Winfield) 1956

Privacy: a brief commentary 1875

Privacy: a case for accurate and complete criminal
history records 269

Privacy: a comparative study of English and
American law 1571

Privacy: a hidden variable in experimental social psychology 1497
Privacy: a new American dilemma 1805
Privacy: a position paper 1318
Privacy, a public concern 1405
Privacy: a public issue 252
Privacy: a selected bibliography and topical index of social science materials 1963
Privacy: a summary of a seminar 1422
Privacy: a summary of the past and present 1843
Privacy act of 1974 1856
Privacy act of 1974: a look at it from a combined technical and legal perspective 281, 1854
Privacy act of 1974: a reference manual for compliance 1017
Privacy act of 1974: an assessment 1478
Privacy act of 1974: an overview and critique 1857
Privacy act of 1974 - exceptions and exemptions 1702
Privacy act of 1974: how it affects taxpayers, practitioners and the IRS 1673
Privacy after Griswold 1858
Privacy: all that's missing in the legislation 1717
Privacy: an anthropological perspective 1529
Privacy and a national data bank 182
Privacy and behavioral research (Ruebhausen) 1547
Privacy and behavioral research (U.S. Office of Science and Technology) 1476
Privacy and behavioral research: preliminary summary 1840
Privacy and commercial reporting agencies 1330
Privacy and computers (Sieghart) 77
Privacy and computers (Task Force) 37
Privacy and confidentiality report and final recommendations of the Commission of Federal Paperwork. Hearings 1449
Privacy and data bank 192
Privacy and disclosure regulation of information systems: a bibliographic survey 1964
Privacy and efficient government: proposals for a national data center 282
Privacy and freedom 1485
Privacy and government investigations 1715
Privacy and human rights 1295
Privacy and information systems 6, 1293
Privacy and its legal protections 1749
Privacy and libraries 1608
Privacy and organizational life 1307
Privacy and personnel: a time for action 1908
Privacy and personnel records: a look at employee attitudes 1949
Privacy and prostitution: constitutional implications of State v. Pilcher 1859
Privacy and protection of personal information in Europe 1311

| | |
|---|------------|
| Privacy and public disclosures under the FOI act | 1383 |
| Privacy and public funding: <i>Maher v. Roe</i> | 1758 |
| Privacy and public records: background paper | 1431 |
| Privacy and public records: the emerging conflict in values | 843, 1911 |
| Privacy and publication - proposals for protection 1350 | |
| Privacy and record-keeping: remedies for the misuse of accurate information | 1926 |
| Privacy and research with human beings | 1522 |
| Privacy and secrecy: a conceptual comparison | 1566 |
| Privacy and security in data systems | 244 |
| Privacy and security in databank systems: an annotated bibliography, 1970-1973 | 305 |
| Privacy and security in personal information databank systems | 24 |
| Privacy and security planning instructions: criminal justice information systems | 135 |
| Privacy and security survey of information on individuals | 1341 |
| Privacy and self-disclosure in social relationships | 1504 |
| Privacy and self-incrimination | 1507 |
| Privacy and sensationalism: a British view | 931 |
| Privacy and student records: a report with recommendations and guidelines | 1409 |
| Privacy and the American character | 1809 |
| Privacy and the computer | 213 |
| Privacy and the computer (Sizer) | 181 |
| Privacy and the computer: an annotated bibliography | 300 |
| Privacy and the computer: steps to practicality | 68 |
| Privacy and the FOI act | 759, 1769 |
| Privacy and the law | 1543 |
| Privacy and the law (Jacob) | 212 |
| Privacy and the law (Justice) | 1372 |
| Privacy and the law (Palmer) | 1627 |
| Privacy and the law (Street) | 1557, 1924 |
| Privacy and the law: 1984 is now | 1499 |
| Privacy and the law: a philosophical prelude | 1524 |
| Privacy and the National Data Bank concept | 122 |
| Privacy and the poor | 1759 |
| Privacy and the press | 1626 |
| Privacy and the press: the law, the mass media, and the first amendment | 913, 1419 |
| Privacy and the public | 1625 |
| Privacy and the public's right to know | 631, 1787 |
| Privacy and the right of access: purposes and paradoxes of information control | 802, 1832 |
| Privacy and the rights of federal employees. Hearings. (U.S. Congress. House) | 1460 |
| Privacy and the rights of federal employees. Hearings (U.S. Congress. Senate) | 1471 |
| Privacy and you | 167 |
| Privacy, appropriation, and the first amendment: a human cannonball's rather rough landing | 1860 |

Privacy as a behavioral concept 1842
Privacy as a behavioral phenomenon 1532
Privacy as a concept and a social issue: a multidimensional developmental theory 1525
Privacy as an aspect of human dignity 1665
Privacy as communication: a conceptual approach for law and social science 1315
Privacy: burgeoning rights and remedies 1802
Privacy commission envisions a national policy on records 1861
Privacy commission examines record-keeping practices of government agencies 1862
Privacy, computer data banks, communications and the constitution 49
Privacy, computers and you 30
Privacy: curb sought on census 1917
Privacy, disclosure: a legal blur 1821
Privacy: disclosure of private facts 1607
Privacy education for management 1674
Privacy: establishing restrictions on government inquiry 1852
Privacy, freedom and responsibility 1434
Privacy group recommends direct-mail measures 1939
Privacy guidelines for the information industry 1863
Privacy, human values and democratic institutions 1735
Privacy in a free society 100, 333
Privacy in Australia - the Morison report 1606
Privacy in danger 1806
Privacy in the courts: law and social reality 1793
Privacy in the mail. Hearings 1456
Privacy in tort law - were Warren and Brandeis wrong? 1776
Privacy in welfare: public assistance and juvenile justice 1755
Privacy in Western civilization 1285
Privacy, intimacy and personhood 1876
Privacy invaders 1284
Privacy is not a personal thing 1808
Privacy: issues for the future 1328
Privacy: its constitution and vicissitudes 1553
Privacy: its legal protection: based on original almanac 1400
Privacy: its substance, applications and legal status 146, 1489
Privacy journal 1864
Privacy legislation: implications for employers 1823
Privacy legislation introduced, reintroduced in various state houses during 1977 sessions 1865
Privacy legislation: its effect on pre-employment reference checking 1881
Privacy legislation: it's later than you think 1650
Privacy legislation: public sector first 1824
Privacy legislation: yesterday, today and tomorrow 789, 1816

Privacy of employment and personnel information systems 170
Privacy of government employees 1699
Privacy of information in Florida public employee personnel files 1737
Privacy of rape victims. Hearings 1459
Privacy, orthodoxy and democracy 1599
Privacy: personal data and the law 1414
Privacy, polygraphs and employment: a study 1472
Privacy, press and public: a memorandum 891, 1376
Privacy problems in municipal information systems 1398
Privacy protection and security in business computer systems 294
Privacy protection in databanks 25
Privacy protection report and epidemiological research 1700
Privacy, publishing and you 1851
Privacy push 1837
Privacy regulation and your computer 195
Privacy regulation: culturally universal or culturally specific? 1491
Privacy report 1544
Privacy report of alter relation of business to the individual 1948
Privacy security and computers 102
Privacy, security and the information processing industry 91
Privacy seen primary concern of electronic funds transfer 283
Privacy: striking back at the super snoops 1866
Privacy systems for telecommunication networks 26
Privacy, the census and federal questionnaires. Hearings 1473
Privacy: the collection, use and computerization of personal data. Joint hearings 126
Privacy: the information gatherers 1370
Privacy: the right to be let alone 1291
Privacy, tort law and the constitution: is Warren and Brandeis' tort petty and unconstitutional as well? 1666
Privacy under attack 1373
Privacy versus freedom of information 661, 977, 1583
Privacy vs. the computer revolution 169
Privacy: what's happening? 1611
Private I: some reflections on privacy and the constitution 1782
Private letter rulings: right to privacy vs. right to know 828, 1894
Private life and public order 1297
Private lives and public surveillance 327, 1377
Private man 1288
Private rights and freedom of the individual 1286
Private space 1500

| | |
|--|-----------|
| Privilège de l'exécutif et l'arrêt de la cour Suprême des Etats-Unis relatif à l'affaire du Watergate | 2083 |
| Privilege deserved | 2016 |
| Privilege for journalists | 876 |
| Privilege of parliament | 2003 |
| Privilege of parliament | 2017 |
| Privileged documents of a government agency | 2071 |
| Probing privacy | 1653 |
| Problem of communicating public policy effectively | 1047 |
| Problem of electronic eavesdropping | 339 |
| Problem of maintaining respect for the privacy and the dignity of the individual | 1609 |
| Problem of privacy and security with computerized data collection | 299 |
| Problem of privacy in the computer age: an annotated bibliography | 304, 1961 |
| Problème de la liberté d'information | 618 |
| Problems of confidentiality with particular reference to population censuses | 1527 |
| Problems of privacy in the year 2000 | 1520 |
| Procedural due process - privacy - reputation alone is not liberty or property under due process clause of the fourteenth amendment - nor is it protected by the right to privacy | 1733 |
| Production of state documents | 2119 |
| Progress report: communications and information services study | 984 |
| Prohibitions against the release of government information contained in the Statutes of Canada | 1140 |
| Projet de loi sur les agences d'information | 1598 |
| Proper disclosure and indecent exposure: protection of trade secrets and confidential commercial information supplied to the government | 854, 1940 |
| Proposals for safeguarding the privacy of individuals | 1867 |
| Proposed FOI legislation | 538 |
| Prosecutor and the researcher | 2064 |
| Prospective applications of the article IV privileges and immunities clause of the United States constitution | 2052 |
| Prospects of "information tyranny" | 1953 |
| Protect du secret "déposé" dans un système d'informatique | 201 |
| Protecting individual privacy in evaluation research | 1415 |
| Protecting privacy and the rights of federal employees: report to accompany s. 782 | 1465 |
| Protecting the subjects of credit reports | 1869 |
| Protecting the welfare recipient's privacy in Alberta | 1582 |
| Protecting your privacy: the odds are 50-50 that your privacy will be invaded | 1870 |
| Protecting your right to privacy: digest of systems of records, agency rules, research aids | 1425 |

Protection de la vie privée dans la loi du
17 juillet 1970 1613

Protection de la vie privée en droit positif
français 1615

Protection des conversations en droit privé: études
comparatives 313

Protection des droits individuels au regard du
développement de l'informatique 149

Protection from discovery of researchers'
confidential information 1810

Protection from government disclosure - the
reverse-FOIA Suit 813

Protection of citizens' privacy becomes major
federal concern 1692

Protection of confidentiality in the courts: the
professions 2075

Protection of privacy (Jacob) 1516

Protection of privacy (Lengyel) 1526

Protection of privacy (Neill) 1537

Protection of privacy (Shaffer) 1913

Protection of privacy (Swanton) 1559

Protection of privacy: a call for federal action 1999

Protection of privacy act, bill C-176: an analysis
and commentary 321, 1335

Protection of privacy act (wiretapping): reference
manual 320, 1332

Protection of privacy: collection and storage of
personalized data bank information 1590-92

Protection of privacy, credit and personal data
reporting: report of the Ontario Commissioners 1593-94

Protection of privacy: evidence. Ontario report 1595

Protection of privacy in Dutch law 1503

Protection of privacy in English and Australian law 1539

Protection of privacy: report of chairman of Ad
Hoc Committee 1596

Protection of privacy: tort. Nova Scotia report 1597

Protection of private life in French law: recent
developments 1614

Protection of the privacy of individuals vis-a-vis
electronic data banks 3

Provision of government information 997

Provision of government information: the federal
FOI act experience 822

Public access to government documents 620

Public access to government files in Sweden 1070

Public access to government information: CLA brief 969

Public access to governmental records and meetings in
Arizona 793, 1278

Public access to government-held computerized
information 285

Public access to information: a field experiment 1082

Public administrators and the privacy thing 245

Public bureaucracy and the possibility of citizen
involvement in the government of Ontario 995

Public business is not always public 1267
Public communication system 959
Public dissemination of arrest records and the
right to reputation: the effect of Paul v.
Davis on individual rights 1915
Public information 815
Public information act: a potent tool for
librarians and citizens seeking information
from the government 770
Public information activities of government agencies 1087
Public information and public access: a sociological
interpretation 628
Public information in a democratic society 1081
Public information in government policy 1112
Public information office and public policy 941
Public inspection of IRS private letter rulings.
Hearing 597, 1462
Public inspection of state and municipal executive
documents: "everybody, practically everything,
anytime, except..." 816
Public interest and the right to know 870
Public interest in privacy: on becoming and being
human 1492
Public official: parliament, the public and the
press 1055
Public officials and the press 902
Public policies for information management 1094
Public records and the policy process in the
twentieth century 1067
Public records in New Jersey 1038
Public records: the historian, the national
interest and official policy 1204
Public relations, politics and government 1077
Public right to know 635
Public right to know: accountability in the
secretive society 473
Public security and wiretapping 399
Public servant and the right to privacy 1600
Public service and the press 932
Public view of privacy 1714
Public's access to government: freedom of information,
privacy and sunshine acts: an address 1944
Public's right to information 479
Public's right to information access in the federal
government: as viewed by cabinet ministers,
members of parliament and senators 532
Public's right to know 629, 1165
Public's right to know and the public interest
1104, 2070
Public's right to know: government must give an
account of itself 840
Publicité de documents officiels 2113
Publicité des actes officiels en droit suédois 1072
Publicité des documents administratifs 1188

| | |
|--|----------------|
| Publicity and inspection of federal tax returns | 1689 |
| Publicity and privacy: is it any of our business? | |
| 929, 1542 | |
| Publicity of official documents in Sweden | 1071 |
| Publicity, privacy and secrecy | 749, 1739 |
| Punitive damages: an exception to the right of privacy? | 1726 |
| Question of privacy | 1555 |
| Question of stronger federal laws to safeguard classified information | 2131 |
| Questionnaire on privacy and the computer | 65 |
| Rapport de l'office de révision du code civil sur la personnalité juridique | 1577 |
| Reach for information in tax cases | 701, 1648 |
| Recent developments in local government law | 1272 |
| Recent developments in the right of privacy | 1713 |
| Recent government economic policy documents: | |
| description is not analysis | 1057 |
| Recent New York cases on privacy | 1635 |
| Recommendations of the Select Committee on Parliamentary Privilege | 1971 |
| Reconciling the conflicting goals of the right to know and the right to privacy under the FOI act | 864 |
| Reconsideration of the Katz expectation of privacy test | 1874 |
| Record linkage: making maximum use of the discriminating power of identifying information | 278 |
| Record privacy as a marginal problem | 1495 |
| Records and the invasion of privacy | 1565 |
| Records, computers and the rights of citizens | 287 |
| Records, computers and the rights of citizens (Ware) | |
| 140, 185 | |
| Records, computers and the rights of citizens (United States) | 131 |
| Records of public officials | 1023 |
| Recoveries for violation of the right of privacy in quasi-contract and the federal income tax | 1742 |
| Recovering the public's right to information | 543 |
| Redefining privacy | 1738 |
| Reference sheet: privacy | 1368 |
| Refusals by the executive branch to provide information to the congress, 1964-1973 | 1983 |
| Regards 1974: les maudits journalistes | 882 |
| Regionalism and the publicity principle in Sweden | 558 |
| Réglementation des télécommunications dans les pays autres que Canada | 480, 875, 1302 |
| Regulation of federal data banks | 50 |
| Regulations relating to security information originating in or coming under the jurisdiction or control of the Department of Justice | 2110 |
| Regulatory "executive privilege" to withhold information | 2072 |
| Regulatory models | 55 |
| Relational right of privacy | 1727 |

| | |
|--|-----------|
| Relations among statistical methods for assuring confidentiality of social research data | 1670 |
| Relationship between the government in the sunshine act and the Federal Advisory Committee act | 1277 |
| Release of private information under open records law | 819, 1878 |
| Replies from federal agencies to questionnaire submitted by Special Committee on Government Information | 1030 |
| Replies to requests for information | 485 |
| Reporter's privilege: guardian of the people's right to know? | 844, 2078 |
| Reports of committees: computers and privacy | 216 |
| Reports on wiretapping and eavesdropping legislation in the state of New York | 330 |
| Research access into automated criminal justice information systems and the right to privacy | 251 |
| Research and statistical uses of Ontario government personal data | 973 |
| Research into privacy and data banks | 46 |
| Research proposal: informational privacy and access to government microdata files for social science research | 516, 1329 |
| Resolved: that more stringent control should be imposed upon government agencies gathering information about U.S. citizens | 1445 |
| Responsabilité civile personnelle du fonctionnaire | 1998 |
| Responsible public bureaucracy: a rationale and a framework for analysis | 1256 |
| Retrospective look at the privacy and freedom of information acts | 772, 1779 |
| Reverse - FOI act suits: confidential information in search of protection | 823 |
| "Reversing" the FOI act: congressional intention or judicial invention? | 766 |
| Review of the fourth exemption of the FOI act | 775 |
| Revised FOI law and how to use it | 699 |
| Right most valued by civilized man | 1710 |
| Right of access to CAB files. Hearings | 595 |
| Right of access to information: Canada's policy | 672 |
| Right of access to information from the government | 589 |
| Right of congress to obtain information from the executive and from other agencies of the federal government | 1978 |
| Right of equal access to government information | 825 |
| Right of information privacy | 1513 |
| Right of privacy | 1623 |
| Right of privacy | 1883 |
| Right of privacy | 1884 |
| Right of privacy (Ervin) | 1716 |
| Right of privacy (Evans) | 1718 |
| Right of privacy (Green) | 1748 |
| Right of privacy (Hofstadter) | 1294 |
| Right of privacy (Kacedan) | 1519 |

Right of privacy (League of Women Voters) 1406
Right of privacy (O'Brien) 1833
Right of privacy (Scott) 1910
Right of privacy (Unterberger) 1937
Right of privacy (Wanderer) 1943
Right of privacy (Warren & Brandeis) 1567
Right of privacy: a bibliography: 71 years, 1890-1961 1962
Right of privacy - a compilation 1920
Right of privacy: a compilation of the original Dicta published by the Virginia Law Weekly 1480
Right of privacy (a contra view) 1798
Right of privacy: a half century's developments 1828
Right of privacy: a proposed redefinition 1705
Right of privacy: a symposium on the implications of *Griswold v. Connecticut* 1394
Right of privacy act of 1967. Hearings...on s. 928 1468
Right of privacy action in Illinois 1918
Right of privacy: an approach worth considering 1848
Right of privacy and emotional distress in Colorado 1831
Right of privacy and rights of the personality 1308
Right of privacy and some of its recent developments 1754
Right of privacy: (Colyer v. Fox Pub. Co. 51 N.Y.L. J. 237) 1885
Right of privacy: fifty years after 1886
Right of privacy in California 1722
Right of privacy in England and the United States 1498
Right of privacy in Germany 1618
Right of privacy in Illinois 1887
Right of privacy in Louisiana 1768
Right of privacy in Michigan 1853
Right of privacy in Pennsylvania 1803
Right of privacy: its developments, scope and limitations 1958
Right of privacy (Maxine Martin v. F.I.Y. Theatre Co. [1938] 10 Ohio O 338) 1659
Right of privacy - property rights 1888
Right of privacy protects consensual heterosexual behavior 1889
Right of privacy - selected writings of the last decade (1958-1968) 1965
Right of privacy today 1819
Right of privacy today 1872
Right of privacy vs. society's need to know 1778
Right of privacy (Yoeckel v. Samonig, Wis. 75 N.W. 2d 925) 1750
Right of the people 1395
Right to be informed 636
Right to be left alone (Linowes) 1528
Right to be left alone (Ryan) 1624
Right to be let alone (Adams) 1638
Right to be let alone (Ewing) 1719
Right to be let alone (Griswold) 1752

Right to be let alone: privacy in America 1436
Right to information: general topics for discussion 478
Right to inspect public records in Ohio 713
Right to inspect public records in Oregon 826
Right to know (MacCafferty) 306, 872
Right to know (Rogge) 640
Right to know (Williams) 646
Right to know: an exposition of the evils of news suppression and propaganda 901
Right to know: an investigation into secrecy 1206
Right to know and enforcement problems in a regulatory agency 1099, 2056
Right to know government business from the viewpoint of the government official 1107
Right to know: media and the common good 575, 906
Right to know: Ottawa must allow information to flow freely and quickly 666
Right to know: report 613
Right to know, right to participate 577
Right to know: the public's access to meetings and records of government agencies 1019, 1259
Right to know, to withhold and to lie 1155
Right to privacy (Breckenridge) 1388
Right to privacy (Cranston) 1363
Right to privacy (Johnson) 1775
Right to privacy (Long) 370, 1799
Right to privacy (McClellan) 1298
Right to privacy (Severn) 1432
Right to privacy (Thauberger) 1602
Right to privacy (Thomson) 1561
Right to privacy (White) 1951
Right to privacy. 1. As a legal and social right 1501
Right to privacy. 2. As a human right 1502
Right to privacy: a collection of papers 1427
Right to privacy: a comparison of American and English law 1299
Right to privacy: a sceptical view 1585
Right to privacy: actions in intrusion for electronic eavesdrop and wiretap 445
Right to privacy and American law 1655
Right to privacy and the administration of the federal tax laws 1841
Right to privacy and the freedom to know 624, 1688
Right to privacy and the information revolution 184, 1564
Right to privacy: essays and cases 1289
Right to privacy in British Columbia before and after the privacy act 1996
Right to privacy in Germany - pointers for American legislation? 1619
Right to privacy in Nebraska 1845
Right to privacy of federal employees. Hearings 1457
Right to privacy - origin and scope 1904
Right to privacy: social interest and legal right 1546

Right to privacy: the case against the government
1800

Right to privacy today 1890

Rights and privileges of the press 917

Rights in conflict - reconciling privacy with the
public's right to know 1891

Rights of privacy 1892

Rights of privacy (Mayer) 1412

Rights of privacy? (Shattuck) 1433

Rights of submitters to prevent agency disclosure
of confidential business information 719

Rights of the public and the press to gather
information 827

Roads to the demise of the doctrine of sovereign
immunity 2049

Roe v. Wade and *in re Quinlan*: individual decision
and the scope of privacy's constitutional
guarantee 1897

Role of congress in determining incidental powers
of the president and of the federal courts 2084

Role of the press in safeguarding the people's right
to know government business 948, 1046

Rules of ethics in information processing 280

Safeguarding taxpayer information: on evaluation of
the proposed computerized tax administration
system... 133

Satellite broadcasting and FOI 637

Say it safely: legal limits in publishing, radio and
television 1385

Scholar's right to know versus the individual's
right to privacy 586, 1428

Science, privacy and freedom 1486

Science, privacy and freedom: issues and proposals
for the 1970's 188, 376, 1569

Searching for visible power 1050

Secrecy - about what, protecting whom? 1208, 2118

Secrecy and foreign policy 953, 1133

Secrecy and openness in foreign policy 548

Secrecy and publicity: dilemmas of democracy 1136

Secrecy and publicity in Canadian government 1062

Secrecy and science. Hearings 606

Secrecy and the access to administrative records 809

Secrecy and the public interest in military
affairs 2128

Secrecy and the right to know 754, 1228

Secrecy: democracy's Achilles' heel 1227

Secrecy in American bureaucracy 1243

Secrecy in Australian Commonwealth government 1187

Secrecy in government 1246

Secrecy in government: Pt. 1: a critique of
"Executive privilege" 1238, 2059

Secrecy in government: the growth of federal
censorship, concealment and deception under 20
years of Democratic administration, 1933-1952 1162

Secrecy of politics 1202
Secrecy: political censorship in Australia 1146
Secrecy vs. confidentiality 238
Secret dans les sociétés 632, 1167
Secret de l'administration et le droit 1170
Secret de la vie privée en droit québécois 1580
Secret de la vie privée et le droit 1551
Secret des affaires en droit canadien 1601
Secret des fichiers 1362
Secret file with your name on it 259
Secret fiscal et le droit 1552
Secret law condemned 1175
Secret professionnel du fonctionnaire au Québec 1138
Secret Service and Internal Revenue Service
 surveillance and records policies. Hearings 1032
Secrets de l'administration 1189
Secrets of history and the law of secrets 1217
Security, accuracy and privacy in computer systems 110
Security and privacy in computer systems 7
Security and privacy of criminal justice
 information systems 1902
Security and privacy seminars 1429
Security and the news 2122
Security and the right to know 866
Security classification 2132
Security classification reform 2107
Security in automation 156
Security, loyalty and science 2101
Security manual for classified information 2112
Security procedures in the public service 2096
Security: the only means to privacy 276
Select papers of the 4th National Convention
 Councils for Civil Liberties 1356
Selected foreign national data protection laws and
 bills 1314
Selected list of references on the regulation and
 control of radio broadcasting in the United
 States and foreign countries 949
Senate bill no. 1 and the FOI act: do they
 conflict? 751
Sexual privacy 1540
Sexual privacy: access of a minor to contraceptives,
 abortion, and sterilization without parental
 consent 1912
Shackled historian 1220
Shame, exposure and privacy 1303
Short and sad history of FOI 839
Should government information offices try harder? 1116
Social issues in computing 104
Social, legal and ethical aspects of privacy in
 computerized public welfare records in Texas 233
Social research and the protection of privacy: a
 review of the Norwegian development 1629
Social research in conflict with law and ethics 579, 1416

| | |
|--|-----------|
| Social responsibility of computer people | 93 |
| Social science, administrative law and the information act of 1966 | 798 |
| Social science archives and confidentiality | 1764 |
| Social science data archives in the United States, 1967 | 1392 |
| Social security statistical data, social science research and confidentiality | 1919 |
| Social use of information: ownership and access | 496 |
| Sociological analysis of public attitudes towards computers and information files | 227 |
| Some essential characteristics of an effective public records law: Sweden and the United States | 1039 |
| Some psychological aspects of privacy | 1517 |
| Some reflections on governmental secrecy | 1196 |
| Some words of warning anent privacy | 1849 |
| Sovereign immunity - contract obligations can be enforced against the state of Oklahoma in an ordinary action at law | 2066 |
| Sovereign immunity: federal compliance with state permit requirements under the clean air act and the federal water pollution control act amendments | 2076 |
| Sovereign immunity from execution in France | 2004 |
| Sovereign immunity: state liability under federal law and limits of the implied waiver doctrine | 2026 |
| Special inquiry on invasion of privacy. Hearings | 1451 |
| Special study - crown or state privilege: staff study | 2021 |
| Speculations on the relation of the computer to individual freedom and the right to privacy | 270 |
| Spirit of freedom of information | 795 |
| Spy government: the emerging police state in America | 1397 |
| Spy in the corporate structure and the right to privacy | 1396 |
| Standards for security and privacy of criminal justice information | 1430 |
| Standards relating to electronic surveillance | 328 |
| State consolidated data centers: computer privacy and security | 98 |
| "State secrets" myth | 1221 |
| State secrets: police surveillance in America | 335, 2100 |
| State sovereign immunity in suits to enforce federal rights | 2054 |
| Statistical community and the protection of privacy | 1651 |
| Statistical data banks and their effects on privacy | 45 |
| Statisticians, confidentiality and privacy | 1812 |
| Strategies for eliciting and merging social research data | 1671 |
| Student records at institutions of post-secondary education: selected issues under the family education rights and privacy act of 1974 | 1907 |
| Subjectivity, expression and privacy: problems of aesthetic regulation | 1954 |

Submission to the Australia Law Reform Commission
re: proposals for reform of defamation law and
for the introduction of privacy legislation 886, 1351

Summaries of selected works on community and
privacy with selected subject bibliography 1960

Summary report of the parliamentary freedom of
information survey 533

Sunshine for federal agencies 1274

Supreme Court on privacy and the press 1788

Surveillance by wiretap or dictograph: a police
chief's opinion 372

Surveillance, data banks and privacy: a
constitutional impact statement 291, 458

Surveillance, dataveillance, and personal
freedoms 1441

Surveillance technology: policy and implications:
an analysis and compendium of material

Surveillance: the social science perspective 1494

Survey of applicable safeguards for insuring the
integrity of information in data processing
environment 115

Survey of freedom of access to news in Nebraska 582

Survey of public attitudes towards the computer 34

Survey of the information service of the
government on Ontario 979

Survey of the present and probable future state of
technology affecting privacy 1283

Survey research and privacy 1380

Sweden enacts privacy law 1632

Sweden regulates those snooping data banks 1633

Sweden's data act 225

Swedish data act 1631

Symposium: administrative secrecy, a comparative
perspective 1169

Symposium: computers, data banks and individual
privacy. I. On the needs and values of data
banks 179

Symposium: computers, data banks and individual
privacy. II. On the dangers, legal aspects and
remedies 178

Symposium: computers, data banks and individual
privacy. III. General comments 183

Symposium: computers, data banks and individual
privacy. III. On proposals and requirements for
solutions 175

Symposium on the 1974 amendments to the FOI act 847

Symposium: the FOI act and the agencies 848

Syndrome of secrecy: editorial 1180

Systems capacity for data security 47

Taches futures dans le domaine de la liberté de
l'information 642

Talking about that big secret... 1213

Taxonomy of privacy: repose, sanctuary, and
intimate decision 1672

Telephone monitoring practices by federal agencies.
Hearings 351
Telephone tapping and listening in 393
Telescopic surveillance as a violation of the
fourth amendment 460
Texas open records act: law enforcement agencies'
investigatory records 1095
Theory and practice of self-regulation 56
Third listener 332
Thomson on privacy 1548
Thoughts concerning the status of the right of
privacy in Texas 1643
Thoughts on the present state of the convention of
ministerial responsibility 1257
Threat to privacy 1562
To catch a government document: Docex 1079
To know and be known 965
To name or not to name: should papers print names
of people charged in lesser offences? 1343
Top secret: national security and the right to
know 1157
Torment of secrecy 916, 1158
Tortious invasion of privacy: Minnesota as a
model 1929
Torts - defamation - governmental immunity - absolute
versus qualified immunity for executive employees 2082
Torts - libel - passing off of actor's voice -
appropriation of another's personality without
his consent - an equitable right of privacy? 1533
Torts: protection of individual privacy from
electronic surveillance 461
Torts: right of privacy 1930
Torts - right of privacy - application and scope of
the right 1931
Torts: right to privacy reviewed 1932
Torts - the liberty of privacy 1933
Torts - the right of privacy 1792
Torts - tort action against county school board
held barred by governmental immunity - recovery
permitted under implied contract theory 2031
Torts - unreasonable investigation - right of
privacy 1934
Toward a conceptual foundation for a national
information policy 767
Toward a sociology of secrecy and security systems 1233
Toward the preservation of personal privacy: Chief
Justice Wright's opinions on search and seizure and
the right of privacy 1773
Tracking Katz: beepers, privacy and the fourth
amendment 462, 1935
Transborder transfer of information by communications
and computer systems 162, 925
Transmitting information to the press: differences
among officials 936

| | |
|---|-----------------|
| Treatment of confidential information by the Federal Trade Commission: the hearing | 1224 |
| True statement of the violation of right of privacy | 1936 |
| Two constitutional rights equal one political dilemma | 814, 1871 |
| Two-key irreversible privacy transformation | 1682 |
| Unauthorized disclosures and transmittal of classified documents | 2108 |
| Uncle Sam is watching you: highlights from the hearings of the Senate Subcommittee on Constitutional Rights | 1442 |
| Understanding the right of privacy | 1704 |
| U.K. study deemphasizes computer privacy problem | 217 |
| United Nations Conference on Freedom of Information and the movement against international propaganda | 644 |
| United Nations Conference on Freedom of Information, Geneva, 1948 | 643 |
| U.S. controls on the exportation of unclassified technical data: a fable account | 2129 |
| U.S. isn't the only place where citizens are spied on | 375 |
| U.S. v. Miller: without a right to informational privacy, who will watch the watchers? | 1818 |
| U.S. v. Nixon and the FOI act: new impetus for agency disclosure? | 704, 2023 |
| Unlocking the federal information system | 852 |
| Unnatural acts and the constitutional right to privacy | 1882 |
| Unplugging the bug, or the right to be left alone in criminal law | 394, 1630 |
| Unprivileged status of the fifth amendment privilege | 1662 |
| Up against the stone wall: freedom of information | 790 |
| Urban data banks and the right of the individual | 286 |
| Urban information systems and invasions of privacy | 159 |
| Use of polygraphs and similar devices by federal agencies. Hearings | 352 |
| Vie privée et les procédés modernes de communication: droit nordique | 1558 |
| Vie privée et ordinateur dans le droit de la province de Québec | 33 |
| Vie privée, l'affaire des fonctionnaires | 1589 |
| Virginia's law of sovereign immunity | 2085 |
| Voice of government | 569, 954 |
| War on privacy | 349, 1437 |
| Warren and Brandeis argument for a right to privacy | 1622 |
| Washington's new public records disclosure act: freedom of information in municipal labor law | 783, 1275, 1804 |
| We need a FOI act | 531 |
| Well, hardly ever! A response to the plaintive question: does anyone ever declassify anything? | 2094 |

What do we mean by "right to privacy"? 1703
What may happen to the right of privacy 1795
What price privacy? 83
What rights of privacy should job applicants have? 1797
What should be secret? 1234
What should the people know? 785
What the Crossman diaries actually contain 1207
When government abuses your rights 1950
Where next for computer security? 76
Whistle blowing 676
White House news conference as a channel of
communication 944
Who's going fishing in government files? 1117
Whole new world may open for use of subsidiary
rights: New York law on the right of privacy 1850
Why not a FOI act for Canada? 663
Why police states love the computer 189
Why privacy is important 1545
Will librarians unlock the information? 1054
Winds of change: some recent developments in the
law of evidence 1995
Wired nation 348
Wiretap proposal 412
Wiretapes - can you go behind an authorization? 386
Wiretapping, a history of federal legislation and
Supreme Court decisions 337
Wiretapping: a realistic appraisal 408
Wiretapping: a selected bibliography 469
Wiretapping and bugging 435
Wiretapping and bugging: striking a balance
between privacy and law enforcement 426
Wiretapping and eavesdropping legislation.
Hearings 357
Wiretapping and eavesdropping: pros and cons 452
Wiretapping and eavesdropping. Summary, report
of hearings 358
Wiretapping and electronic eavesdropping (Canadian
Civil Liberties Assoc'n) 318
Wiretapping and electronic eavesdropping (Chorney) 379
Wiretapping and electronic eavesdropping: the law
and its implications 401
Wiretapping and electronics eavesdropping: the law
and its implications 312
Wiretapping and electronic surveillance: a neglected
constitutional consideration 434
Wiretapping as evidence in court in Great Britain and
the British Commonwealth of Nations 315
Wiretapping as invasion of right of privacy 443
Wiretapping by federal agencies without court order.
Hearing 353
Wiretapping, eavesdropping and the bill of rights.
Hearings 359
Wiretapping - eavesdropping problem: a defense
counsel's view 464

- Wiretapping - eavesdropping problem: a legislator's view 430
- Wiretapping - eavesdropping problem: a private investigator's view 439
- Wiretapping - eavesdropping problem: a professor's view 369
- Wiretapping - eavesdropping problem: a prosecutor's view 457
- Wiretapping entanglement: how to strengthen law enforcement and preserve privacy 398
- Wiretapping for national security. Hearings 354
- Wiretapping from Nardone to Benanti and Rathbun 397
- Wiretapping in law enforcement 454
- Wiretapping: its relation to civil liberties 338
- Wiretapping problem: an analysis and a legislative proposal 463
- Wiretapping problem today 329
- Wiretapping should be liberalized 465
- Wiretapping: the morality of snooping 382
- Withholding of information from the public and the press: a survey of federal departments and agencies 1161
- Work of the Freedom of Information Committee of the Department of Justice 835
- Working draft of part IV: American responses to the pressures on privacy 1487
- Would Macy's tell Gimbel's: government controlled business information and FOI act 746
- Your right to privacy: the computer should never be used as an instrument to undermine and destroy personal privacy 80
- Your right to know 922

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Research Publication 10

by Larry M. Fox

Government Secrecy, Individual Privacy and the Public's Right to Know:
An Overview of the Ontario Law

Research Publication 11

by Timothy G. Brown

Freedom of Information and Individual Privacy: A Selective Bibliography

Research Publication 12

by Laurel Murdoch and Jane Hillard,
with the assistance of Judith Smith

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